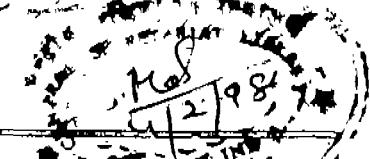




# भारत का राजपत्र

## The Gazette of India

प्राप्तिकार से प्रकाशित  
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सं. 51]

नई दिल्ली, शनिवार, दिसम्बर 20, 1997 / अप्रह्यायण 29, 1919

No. 51]

NEW DELHI, SATURDAY, DECEMBER 20, 1997/AGRAHAYANA 29, 1919

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए नियमित आदेश और अधिसूचनाएँ

Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

बिन मंत्रालय

(राजस्व विभाग)

केन्द्रीय उत्पाद शुल्क आयुक्त का कार्यालय

मदुरै, 13 नवम्बर, 1997

सं. 4/97-सीमा शुल्क (एन.टी.०)

कानून 3123.—सीमा शुल्क अधिनियम 1962, घारा 9 जो भारत सरकार, बिन मंत्रालय, राजस्व विभाग, नई दिल्ली के अधिसूचना सं. 33/94-सीमा शुल्क (एन.टी. ०) दिनांक 1-7-94 के साथ पठित, द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं एनद्वारा तमिऩ्नाडु के मदुरै जिला, मदुरै नोर्थ तालुका, के "विडाताकुलम गांव" को सीमा शुल्क अधिनियम 1962 (1962 का 52) के अधीन शन प्रतिशत नियांतोन्मुख उपकरण स्थापित करने हेतु भांडागांव विनियोगित करता हूँ।

[फैसल: सं. 4/16/212/97-टी. १]

टी.आर. ० राधाकृष्णन, आयुक्त

MINISTRY OF FINANCE

(Department of Revenue)

OFFICE OF THE COMMISSIONER OF  
CENTRAL EXCISE

Madurai, the 13th November, 1997

No. 4/97-CUSTOMS (NT)

S.O. 3123.—In exercise of the powers conferred on me under Section 9 of the Customs Act, 1962 (52 of 1962) read with Notification No. 33/94-Customs (NT) dated 1-7-1994 of the Government of India, Ministry of Finance, Department of Revenue, New Delhi. I hereby declare "Vidathakulam Village", Madurai North Taluk, Madurai District in the State of Tamilnadu to be a warehousing station under the Customs Act, 1962 (52 of 1962) for the

purpose of setting up of 100 per cent Export Oriented Undertakings.

[File C. No. IV/16/212/97-T.I.]

T. R. RADHAKRISHNAN, Commissioner

आर्थिक कार्य विभाग

(बैंकिंग प्रभाग)

नई दिल्ली, 3 दिसम्बर, 1997

का.आ. 3124.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार, भारतीय रिजर्व बैंक की संस्तुति पर, एन्ड्रेगांग व्योगणा करती है कि उक्त अधिनियम की धारा 10 की उपधारा (1) (ग) (झ) के उपबन्ध बैंक आफ ईण्डिया और केन्या। बैंक के मामले में, जब्तक तक उसका संबंध बैंक आफ ईण्डिया के अध्यक्ष एवं प्रबंध निदेशक श्री एम.जी. भिडे और केन्या बैंक के अध्यक्ष एवं प्रबंध निदेशक श्री ई.टी.आर. श्रीधरन की लूपि वित्त निगम लि. के बोर्ड में निदेशक के रूप में नियुक्ति से है, नाम नहीं होंगे।

[फा.म. 20/8/95-वी.ओ.-I]

मुख्य श्रीवास्तव, निदेशक

Department of Economic Affairs

(Banking Division)

New Delhi, the 3rd December, 1997

S.O. 3124.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Government of India on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1)(c)(i) of section 10 of the said Act shall not apply to Bank of India and Canara Bank in so far as it relates to the appointment of Shri M. G. Bhide, Chairman and Managing Director, Bank of India and Shri T. R. Sridharan Chairman and Managing Director, Canara Bank as Directors on the Board of Agricultural Finance Corporation Limited.

[F. No. 20/8/95-BO.I]

SUDHIR SHRIVASTAVA, Director

मानव संसाधन विकास मंत्रालय  
(यूवा कार्यक्रम और खेल विभाग)  
नई दिल्ली, 11 नवम्बर, 1997

का.आ. 3125.—मरकारी स्थान (अप्राधिकृत अधिभोगियों की वेदायली) अधिनियम, 1971 की धारा-3 के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एन्ड्रेगांग भारत सरकार के राजपत्रित अधिकारी के समकक्ष निम्नलिखित सारणी के कांलम (1) में उल्लिखित अधिकारी को उक्त अधिनियम के प्रयोजनार्थ संपदा अधिकारी नियुक्त करती है जो उक्त सारणी के कांलम (2) में सूचित प्रविष्टियों में निर्दिष्ट सरकारी स्थानों के संवंध में उक्त अधिनियम द्वारा अत्रवा इसके अंतर्गत संपदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग करेंगे और उन्होंगों द्वारा कार्यों को सम्पूर्ण करेंगे :

सारणी

1	2
श्री मंजीव दुबे, केन्द्रीय सरकार के स्वामित्व वाले और उप मंत्री,	देश में खेलों के संबंधन और विकास के लिए भारतीय खेल प्राधिकरण (शा.आ.प्रा.०) के नियंत्रणाधीन रखे गए अन्य संस्थान भविवादों के माध्यम से दिल्ली स्थित निम्नलिखित परिसर :—
(1) जवाहरलाल नेहरू स्टेडियम	
(2) इंदिरा गांधी स्टेडियम	
(3) यमुना वेलोड्रम	
(4) राष्ट्रीय स्टेडियम	
(5) तालकटोरा तरणनाल परिसर	
(6) ए.० कर्णी मिह शॉटिंग रेज, तुगलकाबाद	
(7) पर्यटक परिसर, तुगलकाबाद	

यह दिलांक 26-०-1997 की समसंबंधक अधिसूचना संख्या 6-5/92-भा.०प्रा.० का अधिक्रमण करती है।

[मिंम. 6-5/92-डेस्क (भा.०प्रा.०)]  
अधिकारी कुमार, डैम्क अधिकारी

MINISTRY OF HUMAN RESOURCE  
DEVELOPMENT

(Department of Youth Affairs & Sports)

New Delhi, the 11th November, 1997

S.O. 3125.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being equivalent to Gazetted Officer of the Govt. of India, to be Estate Officer for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on Estate Officers by or under the said Act, in respect of the Public Premises specified

in the corresponding entries in Column (2) of the said Table.

1 2

(ii) Indira Gandhi Stadium.

(iii) Yamuna Velodrome.

(iv) National Stadium.

(v) Talkatora Swimming Pool Complex.

(vi) Dr. Karni Singh Shooting Ranges, Tuglakabad.

(vii) Tourist Complex, Tuglakabad.

TABLE

1

2

Shri Sanjeev Dubey,  
Deputy Secretary,  
Department of Youth  
Affairs & Sports,  
Shastri Bhawan,  
New Delhi.

The following promises at New Delhi alongwith other facilities attached with them owned by the Central Government and placed under the control of the Sports Authority of India for promotion and development of sports in the country :—

(i) Jawaharlal Nehru Stadium.

This supersedes Notification of even No. 6-5/92-SAI dated 26-9-1977.

[F. No. 6-5/92-SAI]  
ASHWANI KUMAR, Desk Officer

स्वास्थ्य और परिवार कल्याण मंत्रालय

(भारतीय चिकित्सा पद्धति एवं होमियोपैथी विभाग)

नई दिल्ली, 3 दिसम्बर, 1997

का. अ।. 3126.—केन्द्रीय सरकार होमियोपैथी केन्द्रीय परिषद् अधिनियम, 1973 (1973 का 59) की धारा 13 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय होमियोपैथी परिषद् से परामर्श करने के पश्चात् उस अधिनियम की दूसरी अनुसूची में निम्नलिखित और संशोधित करती है, अर्थात् :—

होमियोपैथी केन्द्रीय परिषद् अधिनियम, 1973 (1973 का 59) की दूसरी अनुसूची में “गुजरात” शीर्षक के अधीन क्रम सं. 5क और उसमें संबंधित प्रविधियों के पश्चात् निम्नलिखित क्रम संख्या और प्रविधियों अंतर्स्थापिन को जायेगी, अर्थात् :—

विश्वविद्यालय, बोर्ड या चिकित्सा संस्था का नाम	मान्यताप्राप्त चिकित्सा अहंता	रजिस्ट्रीकरण के लिए संक्षेपाक्षर	टिप्पणी
“5क. होमियोपैथिक चिकित्सा पद्धति परिषद्, गुजरात	होमियोपैथिक चिकित्सा और शल्य चिकित्सा में डिप्लोमा	डो.एच.एम.एस. (के.हा.प. 1987 से आगे विनियम)	”

[सं. वी-27021/6/91-होमियो.]

विरंजी भाग, अवधि संचित

नोट : होमियोपैथी केन्द्रीय परिषद् अधिनियम, 1973 (1973 का 59) की द्वितीय अनुसूची को भारत का राजपत्र, भाग-II खण्ड 1 में ज्ञान्या 76, तारीख 20 दिसम्बर, 1973 द्वारा प्रकाशित किया गया और आगे अधिसूचना सं. वो. 27021/7/87 होम्यो०, तारीख 14 नवम्बर, 1990 द्वारा संशोधित किया गया।

## MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of ISM &amp; Homoeopathy)

New Delhi, the 3rd December, 1977

S.O. 3126.—In exercise of the powers conferred by sub-section (2) of section 13 of the Homoeopathy Central Council Act, 1973 (59 of 1973), the Central Government.

after consulting the Central Council of Homoeopathy, hereby makes the following further amendment in the Second Schedule to the said Act, namely :—

In the Second Schedule to the Homoeopathy Central Council Act, 1973 (59 of 1973) under the head "GUJRAT" after serial number 5A and the entries relating thereto, the following serial number and entries shall be inserted, namely :—

Name of the University Board or Medical Institution	Recognised Medical qualification	Abbreviation For registration	Remarks
"SB Council of homoeopathic System of Medicine, Gujarat	Diploma in Homoeopathy Medicine and Surgery.	D.H.M.S. (CCH Regulation)	From 1987 onwards"

[No. V.27021/6/91-Homoeo]  
CHIRANJI LAL, Under Secy.

Note : The Second Schedule to the Homoeopathy Central Council Act, 1973 (59 of 1973) was published in the Gazette of India Part II, Section I, vide S.O. 76, dated the 20th December, 1973 and subsequently amended vide notification No. V.27021/7/87-Homoco, dated the 14th November, 1990.

कृषि मंत्रालय

(कृषि अनुसंधान और शिक्षा विभाग)

(भारतीय कृषि अनुसंधान परिषद्)

नई दिल्ली, 5 नवम्बर, 1997

का.आ. 3127.—भारतीय कृषि अनुसंधान परिषद् द्वारा निर्मित स्थाई वित्त समिति के विनियमों के वित्तियम 2(iv) के अनुसरण में और कृषि उत्पाद उपचार कोष अधिनियम, 1940 के अनुच्छेद 7(2) में निहित प्रावधान के अनुसरण में शायद निकाय ने स्थाई वित्त समिति के नियमित संशोधनों को दिनांक 17 अक्टूबर 1997, से लेकर 16 अक्टूबर, 1998 तक 1 पर्य की अवधि के लिये अधिकार यदि उनके उनाधिकारी का उनकी अवधि समाप्त होने के पहले विविच्चन रूप से चयन नहीं हो पाने पर उनके चयन तक को अवधि के लिये निर्वाचित किया है।

1. डा. पी.एन. शा

भूतपूर्व कुलपति

राजेन्द्र कृषि विश्वविद्यालय

पूर्णा, ममस्तीपुर-848125 (बिहार)

2. डा. प. वेकटरमण

भूतपूर्व कुलपति

तमिनताडु कृषि विश्वविद्यालय

16, क्रिसेन्ट एवेन्यू

वेंगव पैरलमता पुरम

मद्रास-680028

3. डा. एम. आर. वर्मा

कृतपति

डा. वाई. पूर्णा परमार बागवानी और वानिकी विश्वविद्यालय, मोलन-173230 (हि.प्र.)

4. डा. पी. रेतिनम,

निदेशक, राष्ट्रीय नेतृत्व अनुसंधान केन्द्र,  
तैनाली रामकृष्णपा स्ट्रीट,  
अशोकनगर, इलु़म-534002  
पश्चिमी गोदावरी (प्र.प्र.)

5. श्री रमेश कुमार  
पी.आ. भूर्कुंड,  
जिला हजारीबाग,  
विहार  
श्री रमेश कुमार,  
21, मोला बाग,  
नई दिल्ली

6. श्री आस्कर फर्नाडिज  
संसद मदम्य,  
डोरिस रेस्ट हावेस,  
अम्बालपेटी-उडुपी  
कर्नाटक

7. डा.एम.ए.एच. प्राकिदी,  
निदेशक,  
केन्द्रीय म-स्य शिक्षा संगठन,  
जय प्रकाश रोड, सेवम बंगला,  
वरसोवा, मुम्बई-400006  
महाराष्ट्र

[का.सं. 6(1)/95-सी पम सी]  
वी.के. चोहान, संयुक्त सचिव

**MINISTRY OF AGRICULTURE**  
 (Department of Agricultural Research and  
 Education)  
 (Indian Council of Agricultural Research)

New Delhi, the 5th November, 1997

S.O. 3127.—In pursuance of Regulation 2(iv) of the Standing Finance Committee Regulations, framed by the Indian Council of Agricultural Research and in pursuance of provision contained in Section 7(2) of the A.P. Cess Act, 1940, the Governing Body has elected the following Members to the Standing Finance Committee for a period of one year with effect from 17th October, 1997 to 16th October, 1998 or in case their successor have not been duly elected before the expiry of the term until their election.

1. Dr. P. N. Jha,  
 Ex. Vice Chancellor,  
 Rajendra Agricultural University,  
 Pusa, Samastipur 848125 (Bihar).
2. Dr. A. Venkatraman,  
 Former Vice-Chancellor,  
 Tamil Nadu Agricultural University,  
 16, Crescent Avenue,  
 Kesavapuram Puram,  
 Madras-680028.
3. Dr. L. R. Verma,  
 Vice-Chancellor,  
 Dr. Y. S. Parmar University of  
 Horticulture and Forestry,  
 Solan-173230 (H.P.).
4. Dr. P. Rethinam,  
 Director,  
 National Research Centre for  
 Oil Palm, Tenali Ramakrishnaiah Street,  
 Ashok Nagar, Eluru-534002,  
 West Godavari (A.P.).
5. Shri Ramendra Kumar,  
 P.O. Bhurkunda,  
 Distt. Hazaribagh,  
 Bihar.  
 Shri Ramendra Kumar,  
 24, Meena Bagh,  
 New Delhi.
6. Shri Oscar Fernandes,  
 Member of Parliament,  
 Doris Rest Haven,  
 Ambalpady-Udupi,  
 Karnataka.

Shri Oscar Fernandes,  
 Member of Parliament,  
 B-202, (F-2), M.P. Flats,  
 Baba Khadak Singh Marg,  
 New Delhi.

7. Dr. S.A.H. Abidi,  
 Director,  
 Central Institute of Fisheries Education,  
 Jai Prakash Road, Seven Banglows,  
 Versova, Mumbai-400006,  
 Maharashtra.

[F. No. 6(1)95-CSC]  
 B. K. CHAUHAN, Jt. Secy.

मूल्यांकन और प्रमारण मंत्रालय

बड़े दिल्ली, 19 नवम्बर, 1997

का०शा० 3128 :—चलचित्र (प्रमाणित) नियमावली, 1983 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा-5 की उधारा (2) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए और इस मंत्रालय की दिनांक 9-1-96 की समर्संख्यक अधिसूचना के अनुक्रम में केन्द्रीय सरकार मुश्त्री संजीवनी कुट्टी, भा०प्र०स० (महाराष्ट्र 1983), केन्द्रीय अधिकारी, केन्द्रीय फिल्म प्रमाणन बोर्ड, मुम्बई को उनके वैयक्तिक लाभ के रूप में दिनांक 1-7-97 से उनकी कार्यविधि के शेष भाग अर्थात् 31-12-2000 तक अधिकारी अगले आदेशों जो भी पहले हो, तक के लिए प्रतिनियुक्त आधार पर निदेशक के स्तर पर नियुक्त करते हैं।

[का० स० 801/4/95-ए.फ (सी०)]  
 आई०पी० मिश्रा, ईस्क अधिकारी

**MINISTRY OF INFORMATION AND  
 BROADCASTING**

New Delhi, the 19th November, 1997

S.O. 3128.—In exercise of the powers conferred by sub-section (2) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with Rule 9 of the Cinematograph (Certification) Rules 1983 and in continuation of this Ministry's Notification of even number dated 9-1-96, the Central Government is pleased to appoint Ms. Sanjeevanec Kutty, IAS (MH:83) Regional Officer, Central Board of Film Certification, Mumbai at the level of Director as a measure personal to her, on deputation basis, with effect from 1-7-1997 for the remaining part of her tenure, i.e. till 31-12-2000 or until further orders, whichever is earlier.

[File No. 801/4/95-F (C)]  
 I. P. MISHRA, Desk Officer

कोयला मंत्रालय

आदेश

नई दिल्ली, 20 नवम्बर, 1997

का०ग्रा० 3129:—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 9 की उपधारा (1) के अधीन निकाली गई भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का. 1656 तारीख, 28 मई, 1996 के, भारत के रजनीख, भाग 2, खंड 3, उपखंड (ii) तारीख 8 जून, 1996 में प्रकाशित होने पर, उक्त अधिसूचना में मालगढ़ अनुसूची में वर्णित भूमि और भूमि में या उस पर के अधिकार (जिसे इसमें इसके पश्चात् उक्त भूमि कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, मजी विलंगमों से मुक्त होकर, आन्यतिक रूप में वेत्तीय सरकार में निहित हो गये,

आंग, केन्द्रीय सरकार का यह समाधान हो गया है कि वैस्टर्न कोलकाइल्ड्स लिमिटेड, नागपुर सरकारी कंपनी (जिसे इसमें इसके पश्चात् उक्त सरकारी कंपनी कहा गया है) ऐसे निवंधनों और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना उचित समझे, अनुपालन करने के लिए राजमंद है,

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शर्तों का प्रयोग करने हुए, यह निर्देश देता है कि इस प्रकार निहित उक्त भूमि और उक्त भूमि में या उस पर के अधिकार, तारीख 8 जून, 1996 से केन्द्रीय सरकार में इस प्रकार निहित वहने की वजाय, निम्ननिवित निवंधनों और शर्तों के बद्वान रहने हुए, उक्त सरकारी कंपनी में जिहित हो जाएगे, शर्यतः—

- (1) उक्त सरकारी कंपनी, उक्त अधिनियम के उपवाधों के अधीन यथा अवधारित प्रतिक्रिया वाले तुलसीनी और वैसी ही मदों की वावन किए, गए, सभी सदायों की केन्द्रीय सरकार की प्रतिष्ठित करेंगी,
- (2) उक्त सरकारी कंपनी द्वारा शर्तों (1) के अधीन, वेत्तीय सरकार को अंदर रकमों तो अन्याय वर्ग के प्रयोजन के लिए एवं अधिकारण का गठन किया जाएगा तथा ऐसे किसी प्रतिक्रिया और ऐसे अधिकरण की महानगर के लिए नियुक्त व्यक्तियों के गवंधों में उपगत नभी व्यय, उक्त सरकारी कंपनी वहन करेंगी और इसी प्रकार, निहित उक्त भूमि में या उस पर के अधिकारों के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील प्राप्ति की वावत उपगत सभी व्यय भी, उक्त सरकारी कंपनी वहन करेंगी।

(3) उक्त सरकारी, कंपनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उस पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विषद किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेंगी,

(4) उक्त सरकारी कंपनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के दिन, उक्त भूमि और भूमि में या उस पर, इस प्रकार निहित अधिकार किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी, और

(5) उक्त सरकारी कंपनी, ऐसे निर्देशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कर्मा आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं, पालन करेंगी।

[फा०सं० 43015/6/90-ए.ल एस डब्ल्यू]

श्रीमती पी.ए.ल. सैनी, अवर सचिव  
MINISTRY OF COAL

ORDER

New Delhi, the 20th November, 1997

S.O. 3129.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal, number S.O. 1656 dated the 28th May, 1996 in the Gazette of India, Part-II, Section-3, Sub-Section (ii) dated the 8th June, 1996 issued under sub-section (1) of Section-9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the lands and rights in or over the lands as described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act.

And whereas the Central Government is satisfied that the Western Coalfields Limited, Nagpur (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and rights in or over the said lands, so vested shall, with effect from the 8th June, 1996 instead of continuing to so vest in the Central Government, vest in the Government Company, subject to the following terms and conditions, namely :—

- (1) the Government Company shall reimburse the Central Government all Payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act.

(2) a Tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government Company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government Company and, similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in or over the said lands so vesting shall also be borne by the Government Company;

(3) the Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceed-

ings by or against the Central Government or its officials regarding the rights in or over the said lands so vesting;

(4) the Government Company shall have no power to transfer the lands and rights in or over the said lands so vested to any other person without the previous approval of the Central Government; and

(5) the Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[No. 43015/6/90-LSW]

Mis. P. L. SAINI, Under Secy.

नई दिल्ली, 26 नवम्बर, 1997

का. आ. 3130.—केन्द्रीय सरकार ने कोयला धारक थेट्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) के अधीन भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii), तारीख 29 मार्च, 1997 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का. आ. सं. 824 तारीख 10 मार्च, 1997 द्वारा उस प्रधिसूचना से संलग्न अनुमूली में विनिर्दिष्ट परिक्षेत्र की भूमि में, जिसका माप 766.45 एकड़ (लगभग) या 310.30 हेक्टर (लगभग) है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार को यह समाधान हो गया है कि उक्त मध्यी भूमि में कोयला अभिप्राय है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे संलग्न अनुमूली में विनियोग 766.45 एकड़ (लगभग) या 310.30 हेक्टर (लगभग) माप की भूमि में या एकसी भूमि में या उन पर के अधिकारों का अर्जन करते के अपने आशय की सूचना देती है।

टिप्पण 1 :—इस अधिसूचना के प्रत्यन्त अनेकांते थेट्र के नेटवर्क सं. 2 तारीख 02-09-96 का निरीक्षण उपायुक्त, गोड्डा, जिला (बिहार) के कार्यालय में या कोयला विधारक, 1, कार्तमिल हाउस स्ट्रीट कलकत्ता के कार्यालय में या निदेशक भारतमाध्यक (पश्चिम प्रभाग) इम्टर्न कोलकाता लिमिटेड, ऐस्ट्रॉन्या डाकघर दिसेंगड़, जिला—बर्दिबाज (पश्चिमी बंगाल) के कार्यालय में किया जा सकता है।

टिप्पण 2 :—कोयला धारक थेट्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 8 के उपबन्धों की ओर धारा आमुण्ड किया जाता है, जिसमें निम्नलिखित उपबंध हैं:—

8. (1) कोई व्यक्ति जो किसी भूमि में जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या एकी भूमि में या उस पर के किसी अधिकारों वा अर्जन किए जाने के बारे में आपत्ति कर सकता।

स्पष्टीकरण :—इस धारा के अर्थान्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं व्यवन्त संक्रियाएं करना चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम प्राधिकारी को लिखित स्पष्ट में की जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या क्रियाव्यवस्थी द्वारा सुनवाई का अवसर देगा और ऐसी सधी आपत्तिकर्ता के पश्चात् और ऐसी अनिवार्य जांच, यदि कोई हो, करने के पश्चात् जो बहु आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचना भूमि के या ऐसी भूमि में या उस पर के अधिकारों के सम्बन्ध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टक्कों या ऐसी भूमि में या उस पर के अधिकारों के सम्बन्ध में आपत्तियों पर आपनी मिफारियां और उसके द्वारा की गई कार्यवाही अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनियन के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समक्षा जाएगा जो प्रतिवर्त में हित का दावा करने का हफदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।

टिप्पण 3 :—केन्द्रीय सरकार ने कोयला नियंत्रक, 1, कार्तमिल हाउस रस्ट्रीट, कलकत्ता 700001 को उक्त अधिनियम के अधीन सक्षम प्राधिकारी नियुक्त किया है।

## अनुसूची

राजमहल कोयला क्षेत्र

जिला गोड़डा (बिहार)

रेखां सं. ईरी प्ल/आर जेपमान/मीजीएम/प्लाट सं. 2,  
तारीख : 2-9-1996

सभी अधिकार

ल्लाक सं. 1 ( अर्जित किए जाने वाली भूमि दर्शन हुए )

क्रम सं.	मौजा/ग्राम का नाम	थाना सं.	पुलिस स्टेशन जिला	क्षेत्र	टिक्कण (एकड़ में)
1.	पहाड़पुर	32	बी. प्ल. सिमरा सं. 11 गोड़डा	177.37	भाग
2.	डुमरिया	01	बी. प्ल. सिमरा सं. 11 गोड़डा	15.32	भाग
3.	हाहाजोर	13	बी. प्ल. सिमरा सं. 11 गोड़डा	112.10	भाग
4.	पंचस्थी	14	बी. प्ल. सिमरा सं. 11 गोड़डा	74.61	भाग
5.	रंगमठिया	15	बी. प्ल. सिमरा सं. 11 गोड़डा	130.75	भाग
6.	छोटाखेरवानी	16	बी. प्ल. सिमरा सं. 11 गोड़डा	256.30	भाग
				कुल	766.45 एकड़ ( लगभग )
				या	
				310.30	हैक्टर ( लगभग )
<ol style="list-style-type: none"> <li>मौजा पहाड़पुर में अर्जित किए जाने वाले प्लाट सं. 14 ( भाग ), 16</li> <li>मौजा डुमरिया में अर्जित किए जाने वाले प्लाट सं. 732 ( भाग ), 1178 ( भाग ), 1190, 1227 ( भाग )</li> <li>मौजा हाहाजोर में अर्जित किए जाने वाले प्लाट सं. 1 से 12, 13 ( भाग ), 14, 15, 16 ( भाग ), 17, 19 से 29, 39 से 59, 60 ( भाग ) 64 ( भाग ), 73 ( भाग ), 147 से शब्द, 310</li> <li>मौजा पंचस्थी में अर्जित किए जाने वाले प्लाट सं. 127, 141, 249, 280 से 282, 289 से 291 298, 302, 306, 319 से 341</li> <li>मौजा रंगमठिया में अर्जित किए जाने वाले प्लाट सं. 1 से 33</li> <li>मौजा छोटा खेरवानी में अर्जित किए जाने वाले प्लाट सं. 1 ( भाग ), 2 से 28, 29 ( भाग ), 30 ( भाग ), 47 ( भाग ), 58 से 68</li> </ol>					

## सीमा वर्णन

क-1-क-2

रेखा मौजा पहाड़पुर सं. 32 के प्लाट सं. 14 से आरंभ होती है, उसी प्लाट से होकर गुजरती है और रेखांक में यथा निरूपित बिन्दु क-2 पर मिलती है।

क-2-क-3

रेखा मौजा पहाड़पुर सं. 32 के प्लाट सं. 14 से होकर गुजरती है और रेखांक में यथानिरूपित बिन्दु 'क 3' पर मिलती है।

क-3-क-4

रेखा मौजा पहाड़पुर सं. 32 और छोटा खेरवानी सं. 16 को संयुक्त सीमा रेखा के साथ-साथ चलती है और मौजा छोटा खेरवानी के प्लाट सं. 1 और 29 वी रेखा से होकर गुजरती है, प्लाट सं. 29 की दक्षिण रेखा, प्लाट सं. 30 की पश्चिम रेखा के साथ-साथ चलती है और प्लाट सं. 30 और 47 से होकर गुजरती है तथा रेखांक में यथानिरूपित बिन्दु 'क 4' पर मिलती है।

क-4-क-5

रेखा मौजा छोटा खेरवानी सं. 16 और पिधाराम सं. 33 को संयुक्त सीमा रेखा के साथ-साथ चलती है तथा मौजा छोटा खेरवानी सं. 16, पिधाराम सं. 34 और रेखांक में यथानिरूपित रंगमठिया सं. 15 पर मिलती है।

क-5-क-6

रेखा मौजा रंगमठिया सं. 15 और हाहाजोर सं. 13 को संयुक्त सीमा रेखा के साथ-साथ चलती है तथा रेखांक में यथा निरूपित बिन्दु 'क-6' पर मिलती है।

क—6—क—7—क—8  
रेखा मौजा हाहाजोर गं. 13 के प्लॉट सं. 74 के उत्तर और पश्चिम के साथ-साथ चलती है तथा रेखांक में 11-विधित बिन्दु “क-8” पर मिलती है।

क—8—क—9  
रेखा मौजा हाहाजोर गं. 13 के प्लॉट सं. 74 की पश्चिम रेखा के माथ-माथ चलती है और रेखांक में यथा विधित बिन्दु “क-9” पर मिलती है।

क—9—क—10  
रेखा प्लॉट गं. 74 के उत्तर के साथ-साथ चलती है और मौजा हाहाजोर के प्लॉट मं. 60, 64 से होकर गुजरती है तथा रेखांक में यथा विधित बिन्दु “क-10” पर मिलती है।

क—10—क—11  
रेखा प्लॉट मं. 66 की दक्षिण रेखा, प्लॉट गं. 56 की उत्तर-पश्चिम रेखा, प्लॉट सं. 73 की पूर्व और दक्षिण रेखा के साथ-साथ चलती है और रेखांक में यथानिरूपित बिन्दु “क-11” पर मिलती है।

क—11—क—12  
रेखा मौजा हाहाजोर मं. 13 के प्लॉट सं. 73 की पूर्व और उत्तर रेखा के माथ-साथ चलती है तथा प्लॉट सं. 73, 16, 13 की रेखा के साथ-साथ चलती है तथा मौजा रंगमाटी स. 15 तथा हाहाजोर सं. 13 की संयुक्त सीमा रेखा के साथ-साथ चलती है तथा रेखांक में यथानिरूपित बिन्दु “क-13” पर मिलती है।

क—12—क—13  
रेखा मौजा हाहाजोर सं. 13 के प्लॉट सं. 73 की पश्चिम रेखा के साथ-साथ चलती है तथा रेखांक में यथानिरूपित बिन्दु “क-13” पर मिलती है।

क—13—क—14  
रेखा मौजा हाहाजोर सं. 13 के प्लॉट सं. 73 को उत्तर रेखा के साथ-साथ चलती है, मौजा हाहाजोर सं. 13 और मौजा डुमरिया सं. 1 की संयुक्त सीमा रेखा के साथ-साथ चलती है, मौजा डुमरिया सं. 1 के प्लॉट सं. 1227 की उत्तर सीमा के माथ-साथ चलती है और रेखांक में यथानिरूपित बिन्दु “क-14” पर मिलती है।

क—14—क—15  
रेखा मौजा डुमरिया सं. 1 के प्लॉट सं. 1227 से होकर गुजरती है और रेखांक में यथा निरूपित बिन्दु क-15 पर मिलती है।

क—15—क—16—क—17  
रेखा मौजा डुमरिया सं. 1 के प्लॉट सं. 1191 की उत्तर रेखा से होकर गुजरती है प्लॉट सं. 1192, 1193 की उत्तर और पश्चिम रेखा के साथ-साथ चलती है, प्लॉट सं. 1196, 1197 की पश्चिम रेखा से होकर गुजरती है, प्लॉट सं. 1199, 1200, 1201, 1202, 1203, 1106, 1107 के उत्तर की ओर में जाती है, प्लॉट सं. 1109 के पूर्व की ओर में जाती है प्लॉट सं. 1147 के पूर्व के माथ-साथ चलते हुए प्लॉट सं. 732 की रेखा से होकर गुजरती है। प्लॉट सं. 1148 की दक्षिण और पूर्व रेखा के साथ-साथ चलती है। पुनः दक्षिण और पूर्व रेखा के साथ-साथ चलती है तथा रेखांक में यथानिरूपित बिन्दु “क-17” पर मिलती है।

क—17—क—18  
रेखा मौजा डुमरिया सं. 1 के प्लॉट सं. 1178 से होकर गुजरती है और रेखांक में यथानिरूपित बिन्दु “क-18” पर मिलती है।

क—18—क—19  
रेखा मौजा डुमरिया सं. 1 और पंचरुद्धी सं. 14 की संयुक्त सीमा के माथ-साथ चलती है। मौजा पंचरुद्धी सं. 14 के प्लॉट सं. 282 के पश्चिम और दक्षिण की ओर माथ-साथ चलती है तथा रेखांक में यथानिरूपित बिन्दु “क-19” पर मिलती है।

क—19—क—20  
रेखा मौजा पंचरुद्धी गं. 14 के प्लॉट सं. 282 के पश्चिम की ओर माथ-साथ चलती है और प्लॉट सं. 282 की उत्तर की ओर पश्चिम रेखा के माथ-साथ चलती है तथा रेखांक में यथानिरूपित “क-20” पर मिलती है।

क—20—क—21—क—27  
रेखा मौजा पंचरुद्धी के प्लॉट सं. 282 की पूर्व की ओर उत्तर रेखा के माथ माथ चलती है, प्लॉट सं. 326 को पश्चिम उत्तर रेखा गं. होकर गुजरती है तथा रेखांक में यथानिरूपित बिन्दु “ए-2” पर मिलती है।

क—22—क—23

रेखा मौजा पंचलखी सं. 14 और पहाड़पुर सं. 32 की संयुक्त सीमा रेखा के साथ-साथ चलती है, मौजा पंचलखी के प्लाट सं. 316 को उन्नर रेखा से होकर गुजरती है, फिर किर प्लॉट सं. 308, 307, 305 की पूर्व और उन्नर रेखा के साथ-साथ चलती है, फिर प्लॉट सं. 303, 304 की रेखा से होकर गुजरती है, फिर प्लाट सं. 299 की पूर्व रेखा से होकर गुजरती है, फिर प्लाट सं. 301 के दक्षिण पूर्व और उत्तर रेखा से होकर गुजरती है, प्लाट सं. 300 की उत्तर रेखा के साथ-साथ चलती है और रेखांक में यथानिरूपित बिन्दु "क-23" पर मिलती है।

क—23—क—24—क—25

रेखा मौजा पंचलखी के प्लॉट सं. 300, 299, 304, 297 को पश्चिम रेखा के साथ-साथ चलती है प्लॉट सं. 296, 295 के उत्तर की ओर से जाती है, फिर प्लाट सं. 264, 261 को पश्चिम रेखा के साथ-साथ चलती है, फिर प्लॉट सं. 256 को पश्चिम उन्नर रेखा के साथ-साथ चलती है, फिर प्लाट सं. 255, 250 की पश्चिम रेखा के साथ-साथ चलती है और रेखांक में यथानिरूपित बिन्दु "क-25" पर मिलती है।

क—25—क—26

रेखा मौजा पहाड़पुर सं. 32, पंचलखी सं. 14 की संयुक्त सीमा रेखा के साथ-साथ चलती है। फिर मौजा पंचलखी सं. 14 के प्लॉट सं. 250, 248, 143 की उत्तर रेखा के साथ-साथ चलती है, प्लॉट सं. 142 के पूर्व और उत्तर रेखा के साथ-साथ चलती है। प्लॉट सं. 140 की पूर्व रेखा के साथ-साथ चलती है, प्लॉट सं. 135 की पूर्व और उत्तर रेखा से होकर गुजरती है प्लॉट सं. 134 की उत्तर और पश्चिम रेखा के साथ-साथ चलती है। प्लॉट सं. 133 की पश्चिम रेखा प्लॉट सं. 128 को उत्तर रेखा के साथ-साथ चलती है। प्लॉट सं. 121 के पूर्व उत्तर और पश्चिम की ओर साथ-साथ चलती है, प्लॉट सं. 123 की पूर्व रेखा, प्लॉट सं. 124 को पूर्व, उत्तर और पश्चिम रेखा के साथ-साथ चलती है प्लॉट सं. 125, 126 की पूर्व रेखा के साथ-साथ चलती है और रेखांक में यथानिरूपित बिन्दु "क-26" पर मिलती है।

क—26—क—1

रेखा मौजा पहाड़पुर सं. 32 के प्लॉट सं. 14 से होकर गुजरती और रेखांक में यथानिरूपित आरंभिक बिन्दु "क-1" पर मिलती है।

[फा. सं. 43015/15/96-एल. डब्ल्यू.]

श्रीमती पी. एल. सैनी, अवर सचिव

New Delhi, the 26th November, 1997

S.O. 3130.—Whereas the notification of the Government of India in the Ministry of Coal, number S.O. 824, dated the 19th March, 1997, published in the Gazette of India, Part-II, Section 3, Sub-Section (ii), dated the 29th March, 1997, issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government gave notice of its intention to prospect for coal in 766.45 acres (approximately) or 310.30 hectares (approximately) of land in the locality specified in the Schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in all the said lands;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the said lands measuring 766.45 acres (approximately) or 310.30 hectares (approximately) and all rights in or over such land as described in the Schedule annexed hereto;

Note 1 : The plan bearing no. 2 dated the 2nd September, 1996 of the area covered by this notification may be inspected in the Office of the Deputy Commissioner, Godda District (Bihar) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the Director in Charge (West Division), Eastern Coalfields Limited, Sanctoria, Post Office Dishergarg, District Burdwan (West Bengal).

Note 2 : Attention is hereby invited to the provisions of section 8 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), which provides as follows :

"8. (1) Objection to acquisition : Any person interested in any land in respect of which notification under section 7 has been issued may within 30 days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation : It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in

the land for the production of the coal and that such operation should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over

such land, to the Central Government containing his recommendations on the objections, together with the records of the proceedings held by him, for the decision of the Government.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation, if the land or any rights in or over such land were acquired under this Act.

Note 3 : The Coal Controller, 1, Council House Street, Calcutta has been appointed by the Central Government as the competent authority under the Act.

### SCHEDULE RAJMAHAL COALFIELDS

(Drawing No. ECL/RJML/CGM/PLAN No. 2 dated the 2nd September, 1996)

All Rights Block No. 1 (Showing lands to be acquired)

Sl. No.	Name of Mouza/village	Thana No.	Police Station	District	Area (in acres)	Remarks
01.	Paharpur	32	BS Simra No. II	Godda	177.37	Part
02.	Dumaria	01	BS Simra No. II	Godda	15.32	Part
03.	Hahajore	13	BS Simra No. II	Godda	112.10	Part
04.	Pachrukhi	14	BS Simra No. II	Godda	74.61	Part
05.	Rangamatia	15	BS Simra No. II	Godda	130.75	Part
06.	Chhota Khairbani	16	BS Simra No. II	Godda	256.30	Part

Total : 766.45 Acres  
(approximately)  
or  
310.30 Hectares  
(approximately)

1. Plot Nos. to be acquired in Mouza Paharpur : 14 (Part), 16.
2. Plot Nos. to be acquired in Mouza Dumaria : 732 (Part), 1178 (part), 1190, 1227 (part).
3. Plot Nos. to be acquired in Mouza Hahajore : 1 to 12, 13 (part), 14, 15, 16 (part), 17, 19 to 29, 39 to 59, 60 (part), 64 (part), 73 (part), 147 to 264, 310.
4. Plot Nos. to be acquired in Mouza Pachrukhi : 127, 141, 249, 280 to 282, 289 to 291, 298, 302, 306, 319 to 341.
5. Plot Nos. to be acquired in Mouza Rangamatia : 1 to 33.

6. Plot Nos. to be acquired in Mouza Chhota Khairbani : 1 (part), 2 to 28, 29(part), 30(part), 47(part), 58 to 68.

#### BOUNDARY DESCRIPTION

A1—A2 Line starts from plot No. 14 of mouza Paharpur No. 32, passes through the same plot and meets at point 'A2' as delineated on the plan.

A2—A3 Line passes through plot no. 14 of mouza Paharpur No. 32 and meets at point 'A3' as delineated on the plan.

A3—A4 Line passes along with joint boundary line of mouza Paharpur No. 32 and Chhota Kairbani No. 16 and passes through line of Plot no. 1, 29 of mouza Chhota Khairbani, south line of plot no. 29, west line of plot no. 30 and passes through plot no. 30, 47 and meets at point 'A4' as delineated on plan.

A4—A5 Line pass along with joint boundary line of mouza Chhota Khairbani No. 16 and Piyaram No. 34 and meets at point 'A5' on trio boundary line of mouza Chhota Khairbani No. 16 Piyaram No. 34 and Rangamatia No. 15 as delineated of plan.

A5—A6 Line passes along with joint boundary line of mouza Rangamatia No. 15 and Hahajore No. 13 and meets at point 'A6' as delineated on plan.

A6—A7—A8 Line passes along with north and west of plot No. 74 of mouza Hahajor No. 13 and meets at point 'A8' as delineated on plan.

A8—A9 Line passes along with west line of plot No. 74 of mouza Hahajor No. 13 and meets at point 'A9' as delineated on plan.

A9—A10 Line passes along with north of plot no. 74 and passes through plot no. 60, 64 of mouza Hahajor and meets at point 'A10' as delineated on plan.

A10—A11 Line passes through south line of plot no. 66, north and west line of plot no. 56, East and South line plot No. 73 and meets at point 'A11' as delineated on plan.

A11—A12 Line passes along with east and north line of plot no. 73 of mouza Hahajor No. 13, and pass through the line of plot no. 73, 16, 13, and passes along with the joint boundary line of mouza Rangamatia no. 15 and Hahajor No. 13, meets at point 'A12' as delineated on plan.

A12—A13 Line passes along with west line of plot no. 73 of mouza Hahajor No. 13 and meets at point 'A13' as delineated on plan.

A13—A14 Line passes along with north line of plot no. 73 of mouza Hahajor No. 13, Passes along with joint boundary line of mouza Hahajor No. 13 and mouza Dumaria No. 1, passes through north line of plot no. 1227 of mouza Dumaria No. 1 and meets at point 'A-14' as delineated on plan.

A14—A15 Line passes through plot no. 1227 of mouza Dumaria No. 1 and meets at point 'A-15' as delineated on plan.

A15—A16—A17 Line passes north line of plot no. 1191 of Dumaria No. 1, passes along with the north and west line of plot no. 1192, 1193, passes west line of plot no. 1196, 1197, north of plot no. 1199, 1200, 1201, 1202, 1203, 1106, 1107 east of plot no. 1109, passes through line of plot no. 732, alongwith east of the plot no. 1147, south and east line of plot no. 1148 and again passes along with south and east line and meets at point 'A-17' as delineated on plan.

A17—A18 Line passes through plot no. 1178 of mouza Dumaria no. 1 and meets at point 'A—18' as delineated on plan.

A18—A19 Line passes along with joint boundary line of mouza Dumaria no. 1 and Pachrukhi No. 14, passes through west and south line of plot no. 282 of mouza Pachrukhi No. 14 and meets at point 'A—19' as delineated on plan.

A19—A20 Line passes along with west of plot no. 282 of mouza Pachrukhi No. 14 and passes along with north and west line of plot no. 282 and meets at point 'A—20' as delineated on plan.

A20—A21—A22 Line passes along with east and north line of plot no. 282 of mouza Pachrukhi, passes through west, north line of plot no. 326 and meets at point 'A—22' as delineated on plan.

A22—A23 Line passes along with joint boundary line of mouza Pachrukhi No. 14 and Paharpur No. 32, passes through north line of plot no. 316 of mouza Pachrukhi, passes along with east and north line of plot no. 301, passes along with north line of plot no. 303, 304, passes through east line of plot no. 299, passes through south east and north line of plot no. 301, passes along with north line of plot no. 300 and meets at point 'A—23' as delineated on plan.

A23—A24—A25 Line passes along with west line of plot no. 300, 299, 304, 297 of mouza Pachrukhi, passes through north of plot no. 296, 195, passes through east line of plot no. 264, 261, passes along east and north line of plot no. 256, passes along with east line of plot no. 255, 250 and meets at point 'A—25' as delineated on plan.

A25—A26 Line passes along with joint boundary line of mouza Paharpur No. 32, Pachrukhi No. 14, passes along with north line of plot no. 250, 248, 143 of mouza Pachrukhi No. 14, passes through east and north line of plot no. 142, passes through east line of plot no. 140, passes through east and north line of plot no. 135, passes through north and west line of plot no. 134, west line of plot no. 133, north line of plot no. 128, along with east, north and west of plot no. 121, east line of plot no. 123, along with east, north and west line of plot no. 124, passes along with east line of plot no. 125, 126 and meets at point 'A-26' as delineated on plan.

A26—A1 Line passes through plot no. 14 of mouza Paharpur No. 32 and meets at starting point 'A—1' as delineated on plan.

नई दिल्ली, 27 नवम्बर, 1997

का.आ. 3131.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन निकाली गई और भारत के राजपत्र, भाग 2 छंड 3 उपछंड (ii) तारीख 26 जुलाई, 1997 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ.सं. 1843 तारीख 7 जुलाई, 1997 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि में, जिसका भाग 51.500 हेक्टर (लगभग) या 127.26 एकड़ (लगभग) है, कोयले का सर्वेक्षण करने की प्रपत्रे आशय की सूचना दी थी;

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला अभिप्राप्त है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त याकितयों का प्रयोग करते हुए, इससे संलग्न अनुसूची में वर्णित 51.100 हेक्टर (लगभग) या 126.27 (लगभग माप की भूमि में खनिजों के खनन, खदान, बोर करने और तलाश करने के लिए उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ने जाने के अधिकारों का अर्जन करने के प्रपत्रे आशय की सूचना देती है।

टिप्पण 1:—इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक में एसएसीएल/बी एसपी/जीएम (पीएलजी)/भूमि/193. तारीख 11 सितम्बर, 1997 का निरीक्षण कलेक्टर, शहडोल (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट कलकत्ता के कार्यालय में या साउथ इस्टर्न कोलफील्ड्स लि. (राजस्व अनुभाग) सीपत रोड, बिलासपुर-495006 (मध्य प्रदेश) 1 के कार्यालय में किया जा सकता है।

टिप्पण 2:—उपयुक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध हैं:— 8 अर्जन के प्रति आक्षेप:—

(1) कोई व्यक्ति जो ऐसी किसी भूमि में जिसकी वाक्त धारा 7 के अधीन अधिसूचना निकाली

गई है, हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में से या उस पर के किन्ती अधिकारों का अर्जन किये जाने के बारे में आर्पत्त कर सकेगा।

स्पष्टीकरण:—इस धारा के अर्थात् यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खदान संकिपाएं करना वाहता है और ऐसी संकिपाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उप धारा (1) के प्रयोग प्रावेश अपत्ति सभम प्राधिकारी को लिखित रूप में की जाएगी और सभम अधिकारी आपत्तिकर्ता को स्वेच्छा मुने जाने का या विधि व्यवसायी द्वारा मुनबाई का अवसर देगा और ऐसी सभी आपत्तियों को मुनने के पश्चात् आंतर ऐसी अनियक्त जांच यदि कोई हो, करने के पश्चात् जो वह आवश्यक रामक्षता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के बिमिन्न दुकड़ी या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनियोग के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का वाक्ता करने का हकदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।

टिप्पण 3:—केन्द्रीय सरकार ने कोयला नियंत्रक, 1 काउंसिल हाउस स्ट्रीट, कलकत्ता 700001 को उक्त अधिनियम की धारा 3 के अधीन सभम प्राधिकारी नियुक्त किया है।

अनुसूची  
अमलाई ब्लाक (विस्तार)

माहागपुर क्षेत्र

जिना शहडोल (मध्य प्रदेश)

(अर्जित किया जाने के लिए आशयित भूमि दर्शित करते हुए)

खनन अधिकार

क्रम सं.	श्राम का नाम	पटवारी हूल्का सं.	तहसील	जिला	क्षेत्र हेक्टर में	टिप्पणियां
1.	बरगांव	47	अनुपापुर	शहडोल	51.100	भाग
				क्ल	51.100	हेक्टर (लगभग) या
					126.27	एकड़ (लगभग)

1. आम वर्गवां (भाग) में अधिन किए जाने वाले प्लाट सं।  
 152 (भाग), 160 (भाग), 161 (भाग), 167 (भाग), 168 (भाग), 169 से 190, 191 (भाग), 192 से 208, 209 (भाग), 210 (भाग), 211 (भाग), 212 (भाग), 213 से 219, 220 (भाग), 221 (भाग), 222 (भाग), 230 (भाग), 231 (भाग), 304 (भाग), 312 (भाग), 313 (भाग), 326 (भाग), 329 (भाग), 330 से 349, 350 (भाग), 352 (भाग), 353 (भाग), 354 (भाग), 355 (भाग), 372 (भाग), 373 (भाग), 374 (भाग), 375 (भाग), 376 से 379, 380 (भाग), 404 (भाग), 407 (भाग), 408 से 411, 412 (भाग), 413 (भाग), 414 (भाग), 417 (भाग), 418 से 431, 432 (भाग), 436 (भाग), 444 (भाग), 445 (भाग), 446, 447, 448 (भाग), 449 (भाग), 450 (भाग), 451 से 453, 454 (भाग) 455 (भाग), 462 (भाग)

मीमा वर्णन :

क—ख

रेखा बरगांनांद में बिन्दु "क" से आरंभ होकर प्लाट सं. 312, 354, 355, 353, 352, 350, 191, 372, 373, 375, 374, 375, 432, 436, 455, 444, 448, 449, 450, 454, 462, से होकर गुजरती है और बिन्दु "ख" पर मिलती है।

ख—ग

रेखा प्लाट सं. 462, 454, 455, 407, 404, 412, 413, 414, 417, 380, 168, 161, 160, 152 से होकर गुजरती है और बिन्दु "ग" पर मिलती है।

ग—घ

रेखा प्लाट सं. 152, 209, 210, 211, 212, 222, 221, 220, 230, 231, 329, 326, 325, 316, 315 से होकर गुजरती है और बिन्दु "घ" पर मिलती है।

घ—ङ

रेखा प्लाट सं. 315, 304, 314, 313, 312 से होकर गुजरती है और आरंभ क बिन्दु "क" पर मिलती है।

[का. सं. 43015/3/97 एल. एस. डिस्ट्रू.]  
 श्रीमती पी. एल. सैनी, अवर मर्गिव

New Delhi, the 27th November, 1997

S.O. 3131.—Whereas by the notification of the Government of India in the Ministry of Coal Number S.O 1843 dated the 7th July, 1997 issued under sub-section (1) of section 4 of Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India in Part-II, Section-3, Sub Section (ii) dated 26th July, 1997 the Central Government gave notice of its intention to prospect for coal in 51.500 hectares (approximately) or 127.26 acres (approximately) of the lands in locality specified in the Schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in part of the said lands;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 7 of the said Act, the Central Government, hereby gives notice of its intention to acquire the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 51.100 hectares (approximately) or 126.27 acres (approximately) described in the schedule appended hereto.

Note : 1. The plan bearing number SECL/BSP/GM(PLG)/land/193 dated 11th September, 1997 of the area covered by this notification may be inspected in the Office of the Collector, Shahdol (Madhya Pradesh) or in the office of the Coal Controller, 1, Council House Street Calcutta, or in the Office of the South Eastern Coal-fields Limited (Revenue Section) Seepat Road, Bilaspur-495006 (Madhya Pradesh).

Note : 2. Attention is hereby invited to the provisions of section 8 of the said Act, which provides as follows:—  
 "Objection to acquisition:—

8(1). Any person interested in any land in respect of which a notification under Section 7 has been issued may, within thirtydays of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation : It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land or land, of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that government.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation, if the land or any rights in or over such land were acquired under this Act".

Note : 3. The Coal Controller, 1, Council House Street, Calcutta has been appointed by the Central Government as the competent authority under section 3 of the Act.

### SCHEDULE

#### AMLAI BLOCK EXTENSION SOHAGPUR AREA DISTRICT-SHAHDOL (MADHYA PRADESH)

##### MINING RIGHTS

(Showing the land intention to acquire)

Sl. No.	Name of Village	Patwari Halka Number	Tehsil	District	Area in Hectares	Remarks
1.	Bargawan	47	Anuppur	Shahdol	51.100	Part

**TOTAL : 51.100 Hectares (approximately)**

**OR 126.27 Acres (approximately)**

1. Plot numbers to be acquired in village Bargawan (Part).

152 (part), 160 (part), 161 (part), 167 (part), 168 (part) 169 to 190, 191 (part), 192 to 208, 209 (part), 210 (part), 211 (part), 212 (part), 213 to 219, 220 (part), 221 (part), 222 (part), 230 (part), 231 (part), 304 (part), 312 (part), 313 (part), 314 (part), 315 (part), 316 (part), 325 (part), 326 (part), 329 (part), 330 to 349, 350 (part), 352 (part), 353 (part), 354 (part), 355 (part), 372 (part), 373 (part), 374 (part), 375 (part), 376 to 379, 380 (part), 404 (part), 407 (part), 408 to 411, 412 (part), 413 (part), 414 (part), 417 (part), 418 to 431, 432 (part), 436 (part), 444 (part), 445 (part), 446, 447, 448 (part), 449 (part), 450 (part), 451 to 453, 454 (part), 455 (part), 462 (part).

##### BOUNDARY DESCRIPTION

A—B Line start from point 'A' in village Bargawan and passes through plot numbers 312, 354, 355, 353, 352, 350, 191, 372, 373, 375, 374, 375, 432, 436, 445, 444, 448, 449, 450, 454, 462 and meets at point 'B'.

B—C Line passes through plot numbers 462, 454, 455, 407, 404, 412, 413, 414, 417, 380, 167, 168, 161, 160, 152 and meets at point 'C'.

C—D Line passes through plot numbers 152, 209, 210, 211, 212, 222, 221, 220, 230, 231, 329, 326, 325, 316, 315 and meets at point 'D'.

D—A Line passes through plot numbers 315, 304, 314, 313, 312 and meets at the starting point 'A'.

भर्त दिल्ली, 5 दिसंबर, 1997

का.आ. 3132.—केन्द्रीय सरकार यो यह प्रतीत होता है कि इससे उपायद्व अनुसूची में उल्लिखित भूमि में कोयला अभियान किये जाने की संभावना है,

प्रतः, अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना देती है।

इस अधियुक्तना के अन्तर्गत आने वाले रेखांक म.ई. सी.एल/के बी.ए/एल.ए/बीकेपी/1/97 तारीख 23 जून, 1997 का निरीक्षण कलक्टर-बांकुरा पश्चिम बंगाल

722101 के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकता-700001 के कार्यालय में या निदेशक (तकनीकी) ईस्टर्न कोल फील्ड्स लि. बैकटोरिया डाकघर-दिल्लीरगड़, जिला बर्द्दगान-713333 (पश्चिम बंगाल) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि में, हितवद्व सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट मध्य तक्तों, चारों और प्रत्येक दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख में नब्बे दिन के भीतर उस निदेशक (तकनीकी) ईस्टर्न कोलफील्ड्स लिमिटेड सैकटोरिया डाकघर दिल्लीरगड़, जिला बर्द्दगान (पश्चिम बंगाल) पिन कोड-713333 को भेज सकते।

अनुसूची

बांकुरा परियोजना

मालूम क्षेत्र

जिला—बांकुरा (पश्चिम बंगाल)

रानीगंज कोलफील्ड्स

क्रम सं.	मौजा/ग्राम का नाम	अधिकारिता सूची सं.	जिला	क्षेत्र हैक्टर में (लगभग)	ट्रिप्पणी
1.	बकुलिया	44	बांकुरा	112.145	पूरा
2.	झुपुलिया	43	बांकुरा	15.384	पूरा
3.	मजीत	42	बांकुरा	70.493	भाग
4.	मिधिर	41	बांकुरा	10.919	भाग
5.	हराब्बाद	56	बांकुरा	28.270	भाग
6.	सताकुरी	55	बांकुरा	30.600	भाग
7.	मलटूर	47	बांकुरा	88.321	भाग
8.	गोपाल नगर	46	बांकुरा	60.493	पूरा
9.	साहेब डांगा	45	बांकुरा	27.230	भाग
10.	सलमा	48	बांकुरा	427.775	भाग
11.	भारा	1	बांकुरा	18.370	भाग
कुल				890.000	हैक्टर (लगभग)

सीमा वर्णन :

क-ख

रेखा के बिन्दु, जो मौजा झुपुलिया अधिकारिता सूची सं. 43 और मौजा मजीत अधिकारिता सूची सं. 42 का दामोदर नदी की सीमा पर मिलन बिन्दु है, से आरम्भ होती है, इसके पश्चात रेखा दामोदर नदी के दक्षिणी किनारे में मौजा झुपुलिया प्रधिकारिता सूची सं. 43 तक साथ साथ चलती है तथा यिन्हें ब्रॉड मौजा झुपुलिया अधिकारिता सूची सं. 43 और मौजा बकुलिया अधिकारिता सूची सं. 44 का मिलती है, पर मिलती है।

ख-ग

रेखा ख-बिन्दु से आरम्भ होती है और मौजा बकुलिया अधिकारिता सूची सं. 44 में दामोदर नदी के दक्षिणी किनारे के साथ साथ चलती है तथा यह बिन्दु पर मिलती है बिन्दु यह मौजा बकुलिया अधिकारिता ग्राम सं. 44 तथा मौजा सलमा अधिकारिता सूची सं. 48 का दामोदर नदी के दक्षिणी किनारे पर मिलता है।

ग-घ	रेखा दामोदर नदी के दक्षिणी किनारे के साथ बिन्दु गते आरम्भ होती है और बिन्दु घ पर मिलती है। बिन्दु घ मौजा सलमा अधिकारिता सूची सं. 48 और मौजा साहेबडांगा अधिकारिता सूची सं. 45 का दामोदर नदी के दक्षिणी किनारे पर मिलते बिन्दु हैं।
घ-इ	रेखा क बिन्दु से आरम्भ होती है और दामोदर नदी के दक्षिणी किनारे के साथ-साथ चलती है तथा उ बिन्दु पर मिलती है। उ बिन्दु मौजा साहेबडांगा अधिकारिता सूची सं. 45 की सीमा पर है तथा दामोदर नदी के दक्षिणी किनारे पर है।
इ-च	रेखा उ बिन्दु से आरम्भ होती है तथा ग्राम साहेबडांगा से होकर उ बिन्दु के दक्षिण की ओर जाती है तथा उ बिन्दु पर मिलती है। उ बिन्दु मौजा साहेबडांगा अधिकारिता सूची सं. 45 और मौजा भारा अधिकारिता सूची सं. 1 की सीमा है।
च-छ	रेखा उ बिन्दु से आरम्भ होती है। ग्राम भारा अधिकारिता सूची सं. 1 से होकर चलती है और उ बिन्दु पर मिलती है बिन्दु उ मौजा कालीदासपुर अधिकारिता सूची सं. 2 तथा मौजा भारा अधिकारिता सूची सं. 1 की सीमा है।
छ-ज	रेखा उ बिन्दु से आरम्भ होती है और मौजा भारा अधिकारिता सूची सं. 1 से होकर पश्चिम की ओर चलती है तथा ज बिन्दु पर मिलती है बिन्दु ज मौजा भारा अधिकारिता सूची सं. 1 और मौजा सलचूर अधिकारिता सूची सं. 47 की सीमा है।
ज-झ	रेखा ज बिन्दु से आरम्भ होती है और मौजा सलचूर अधिकारिता सूची सं. 47 से होकर पश्चिम की ओर चलती है तथा झ बिन्दु पर मिलती है बिन्दु झ मौजा सलचूर अधिकारिता सूची सं. 47 और मौजा सलमा अधिकारिता सूची सं. 48 की सम्मिलित सीमा है।
झ-झ	रेखा झ बिन्दु से आरम्भ होती है। मौजा सलमा अधिकारिता सूची सं. 48 से होकर पश्चिम की ओर चलती है और झ बिन्दु पर मिलती है। बिन्दु झ मौजा सलमा अधिकारिता सूची सं. 48 तथा मौजा सतवाकुरी अधिकारिता सूची सं. 55 के बीच की सम्मिलित सीमा है।
ट	रेखा बिन्दु से आरम्भ होती है। मौजा सतवाकुरी अधिकारिता सूची सं. 55 से होकर पश्चिम की ओर चलती है तथा ट बिन्दु पर मिलती है। बिन्दु ट मौजा सतवाकुरी अधिकारिता सूची सं. 55 और मौजा हराकबाद अधिकारिता सूची सं. 56 के बीच सम्मिलित सीमा है।
ट-ठ	रेखा ट बिन्दु से आरम्भ होती है और मौजा हराकबाद अधिकारिता सूची सं. 56 से होकर पश्चिम की ओर चलती है तथा ठ बिन्दु पर मिलती है। बिन्दु ठ मौजा हराकबाद अधिकारिता सूची सं. 56 पर है।
ठ-ड	रेखा उ बिन्दु से आरम्भ होती है और मौजा हराकबाद अधिकारिता सूची सं. 56 से होकर उत्तर की ओर चलती है और जाती है और उ बिन्दु पर मिलती है। बिन्दु उ मौजा हराकबाद अधिकारिता सूची सं. 56 के बीच सम्मिलित सीमा है।
ड-ठ	रेखा उ बिन्दु से आरम्भ होती है और मौजा सलमा अधिकारिता सूची सं. 48 से होकर उत्तर की ओर चलती है और उ बिन्दु पर मिलती है। बिन्दु उ मौजा सलमा अधिकारिता सूची सं. 48 और मौजा सिंधिर अधिकारिता सूची सं. 41 की सम्मिलित सीमा है।
ठ-ण	रेखा उ बिन्दु से आरम्भ होती है और मौजा मजीत अधिकारिता सूची सं. 41 से होकर उत्तर की ओर चलती है और उ बिन्दु पर मिलती है। बिन्दु उ मौजा मजीत अधिकारिता सूची सं. 41 और मौजा मजीत अधिकारिता सूची सं. 42 की सम्मिलित सीमा है।
ण-क	रेखा उ बिन्दु से आरम्भ होती है और मौजा मजीत अधिकारिता सूची सं. 42 से होकर उत्तर की ओर बढ़ती है तथा क बिन्दु पर मिलती है। बिन्दु "क" मौजा मजीत अधिकारिता सूची सं. 42, मौजा शुदृश्या अधिकारिता सूची सं. 43 तथा दामोदर नदी के दक्षिणी किनारे पर है।

New Delhi, the 5th December, 1997

S.O 3.3.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed,

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein.

The Plan bearing number ECL/KBA/BKP/1/97, dated the 23rd June, 1997 of the area covered by this notification can be inspected in the office of the Collector, Bankura, West Bengal, Pin Code Number-722101 or in the office of the Coal Controller, 1, Council House Street, Calcutta, Pin Code Number 700001 or in the office of the Director (Technical), Eastern Coalfields Limited, Sanctoria, Post Office Disergarh, District Burdwan (West Bengal), Pin Code Number 713333.

Any person interested in the lands covered by this notification Shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Director (Technical), Eastern Coalfields Limited, Sanctoria, Post Office Disergarh, District-Burdwan (West Bengal), Pin Code Number-713333 within ninety days from the date of the publication of this notification in the Official Gazette.

**SCHEDULE**  
**BAKULIA PROJECT**  
**SATGRAM AREA**  
**DISTRICT-BANKURA (WEST BENGAL)**  
**RANIGANJ COALFIELDS**

Serial Number	Name of Mouza/Village	Jurisdiction List Number	District	Area in Hectares (approximately)	Remarks
1	2	3	4	5	6
1. Bakulia		44	Bankura	112.145	Full
2. Jhupulia		43	Bankura	15.384	Full
3. Majit		42	Bankura	70.493	Part
4. Singhir		41	Bankura	10.919	Part
5. Harakbad		56	Bankura	28.270	Part
6. Satwakuri		55	Bankura	30.600	Part
7. Salchur		47	Bankura	88.321	Part
8. Gopalnagar		46	Bankura	60.493	Full
9. Sahebdanga		45	Bankura	27.230	Part
10. Salma		48	Bankura	427.775	Part
11. Bhara		1	Bankura	18.370	Part
<b>Total</b>				<b>890.000</b>	
				<b>Hectares (approximately)</b>	

**Boundary description:**

A --B Line starts from point A which is the meeting point of Mouza Jhupulia jurisdiction list number 43 and Mouza Majit jurisdiction list number 42 on the boundary of River Damodar. The line then passed along South Bank of River Damodar to Mouza Jhupulia jurisdiction list number 43 and meets at point B which is the meeting point of Mouza Jhupulia jurisdiction list number 43 and Mouza Bakulia jurisdiction list number 44.

B --C Line starts from point B and passes along South Bank of River Damodar in Mouza Bakulia jurisdiction list number 44 and meets at point C. Point C is the meeting point of Mouza Bakulia jurisdiction list number 44 and Mouza Salma jurisdiction list number 48, on the south Bank of River Damodar.

**C—D** Line starts from point C along south Bank of River Damodar and meets at D. D is the meeting point of mouza Salma jurisdiction list number 48 and mouza Sahebdanga jurisdiction list number 45. on the south Bank of River Damodar.

**D—E** Line starts from point D and passes along south Bank of River Damodar and meets at E point. E is on the boundary of mouza Saheb Langi jurisdiction list number 45 and on the south Bank of the River Damodar.

**E—F** Line starts from point E and passes through Village Sahebdanga towards south of point E and meets at F. Point F is the Boundary of mouza Sahebdanga jurisdiction list number 45 and Mouza Bhara Jurisdiction list number 1.

**F—G** Line starts from point F, passes towards South through the village Bhara and meets at point G. Point G is on the boundary of mouza Kalidaspur jurisdiction list number 2 and mouza Bhara jurisdiction list number 1.

**G—H** Line starts from point G, passes towards west through mouza Bhara jurisdiction list number 1 and meets at point H. Point on is the boundary of Mouza Bhara jurisdiction list number 1 and mouza Salchur jurisdiction list number 47.

**H—I** Line starts from point H. Passes towards west through Mouza Salchur jurisdiction list number 47 and meets at point I. Point I is on the common boundary of mouza Salchur jurisdiction list number 47 and mouza Salma jurisdiction list number 48.

**I—J** Line starts from point I, passes towards west through mouza Salma jurisdiction list number 48 and meets at point J. Point J is on the common boundary between mouza Salma jurisdiction list number 48 and mouza Satwakuri jurisdiction list number 55.

**J—K** Line starts from point J, passes towards West through mouza Satwakuri jurisdiction list number 55 and meets at point K. Point K is on the common boundary between mouza Satwakuri jurisdiction list number 55 and mouza Harakbad jurisdiction list number 56.

**K—L** Line starts from point K, and passes towards west through mouza Harakbad jurisdiction list number 56 and meets at point L. Point L is on the mouza Harakbad jurisdiction list number 56.

**L—M** Line starts from point L and passes towards north through mouza Harakbad jurisdiction list number 56 and meets at point M. Point M is on the common boundary between mouza Harakbad jurisdiction list number 56 and mouza Salma jurisdiction list number 48.

**M—N** Line starts from point M passes towards north through mouza Salma jurisdiction list number 48 and meets at point N. Point N is on the common boundary between mouza Salma jurisdiction list number 48 and mouza Singhir jurisdiction list number 41.

**N—O** Line starts from point N passes towards north through mouza Singhir jurisdiction list number 41 and meets at point O. Point O is on the common boundary of mouza Singhir jurisdiction list number 41 and mouza Majit jurisdiction list number 42.

**O—A** Line starts from point O, passes towards North East through mouza Majit jurisdiction list number 42 and meets at point A. Point A is on the meeting point of Mouza Majit jurisdiction list number 42, Mouza Jhupulia jurisdiction list number 43 and South Bank of River Damodar.

नई दिल्ली, 8 दिसम्बर, 1997

का.आ. 3133.—केन्द्रीय सरकार को यह प्रतीत होता है कि इसमें उपायदू अनुसूची में उल्लिखित भूमि में कोयला आरोपित किये जाने की संभावना है,

अब; अब, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शब्दियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का पूर्वक्षण करने के अपने आशय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले रेखांक सं. एस.ई.सी.एल./बी.एस. पी./जी.एम. (प्लानिंग)/लैंड/ 190 तारीख 21 अगस्त, 1997 का निरीक्षण कलक्टर,

बिलासपुर (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस, स्ट्रीट, कनकता-700001 के कार्यालय में या ईस्टर्न कोल फील्ड्स लि. (राजस्व अनुभाग) सीपत रोड, बिलासपुर-495006 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाले भूमि में, हितबद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (2) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों की उस अधिसूचना के राजपत्र में प्रकाशित ही तारीख से नब्बे दिन के भीतर भारतीय अधिकारी/विभागाधारा (राजस्व) राउथ ईस्टर्न कोलफील्ड्स लि. सीपत रोड, बिलासपुर-495006 (मध्य प्रदेश) की ओरेंगे।

अनुसूची

पोंडी ब्लॉक

कोयला कोलकील्ड्स

गोबरा क्षेत्र

जिला-बिलासपुर (मध्य प्रदेश)

रेखांक सं. इन.ई.सी.एस./बी.एल.पी./जी.एम. (प्लानिंग)/लैंड/190, तारीख 21 अगस्त, 1997  
(पूर्वक्षण के लिये अधिसूचित)

क्रम सं.	ग्राम	पटवारी हक्का सं.	ऐट सं.	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणी
1.	पोंडी	38	35	कटघोरा	बिलासपुर	186.559	भाग
2.	र्लिया	38	34	कटघोरा	बिलासपुर	385.000	भाग
3.	मूडिलानार	37	32	कटघोरा	बिलासपुर	87.912	पूरा
4.	ठिडपुर	35	33	कटघोरा	बिलासपुर	30.000	भाग
5.	बाहनपाट	38	30	कटघोरा	बिलासपुर	108.551	पूरा
6.	भठोरा	38	29	कटघोरा	बिलासपुर	121.866	भाग
7.	भेलईबिजार	37	31	कटघोरा	बिलासपुर	190.000	भाग
8.	अमरांवा	29	36	कटघोरा	बिलासपुर	109.843	भाग

कुल 1219.731 हैक्टर (लगभग) या  
3013.96 एकड़ (लगभग)

सीमा वर्णन :

क-ख

रेखा ग्राम र्लिया सरईसियार गांवों की सांमर्जित सीमा पर "क" बिन्दु से आरम्भ होती है और र्लिया ग्राम की पश्चिमी सीमा के साथ-साथ गुजरती है उसके पश्चात् अनगांव ग्राम से होकर जाती है तथा "ख" बिन्दु पर मिलती है।

ख-ग

रेखा भागत: अमरांव ग्राम की उत्तरी सीमा के साथ-साथ चलती है, उसके पश्चात् पोंडी ग्राम से होकर गुजरती है, बाहनपाट भठोरा ग्रामों की उत्तरी सीमा के साथ साथ बढ़ती है तथा "ग" बिन्दु पर मिलती है।

ग-घ

रेखा भागत: ग्राम भठोरा की दूरी सीमा के साथ-साथ चलती है। उसके पश्चात् ग्राम भठोरा, भेलईबिजार से होकर गुजरती है और "घ" बिन्दु पर मिलती है।

घ-क

रेखा भेलईबिजार, ठिडपुर, र्लिया ग्रामों से होकर गुजरती है तथा आरंभिक बिन्दु "क" पर मिलती है।

[फाइल सं. 43015/20/97-एस.डब्ल्यू.]  
श्रीमती पी.एल. सैनो, अवर सचिव]

New Delhi, the 8th December, 1997

S.O.3133.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed:

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan bearing No:SECL/BSP/GM(PLG)/Land/190 dated the 21st August, 1997, of the area covered by this notification can be inspected in the Office of the Collector, Bilaspur (Madhya Pradesh) or in the Office of the Coal Controller, 1, Council House Street, Calcutta-700001 or in the Office of the South Eastern Coalfields Limited (Revenue Department), Seepat Road, Bilaspur-495006 (Madhya Pradesh).

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Officer-in-Charge/Head of the Department (Revenue), South Eastern Coalfields Limited, Seepat Road, Bilaspur-495006 (Madhya Pradesh) within ninety days from the date of publication of this notification.

**SCHEDULE**  
**PONDI BLOCK**  
**CORBA COALFIELDS**  
**GEVRA AREA**  
**DISTRICT—BILASPUR (MADHYA PRADESH)**

Plan No. : SECL/BSP/GM(PLG)/LAND/190

Dated : 21st August, 1997.

Notified for prospecting)

Sl. No.	Village	Patwari halka number	Khewat number	Tahsil	District	Area in hectares	Remarks
1.	Pondi	38	35	Katghora	Bilaspur	186.559	Part
2.	Ralia	38	34	Katghora	Bilaspur	385.000	Part
3.	Murianar	37	32	Katghora	Bilaspur	87.912	Full
4.	Chhindpur	35	33	Katghora	Bilaspur	30.000	Part
5.	Bahanpat	38	30	Katghora	Bilaspur	108.551	Full
6.	Bhathora	38	29	Katghora	Bilaspur	121.866	Part
7.	Bhelaibazar	37	31	Katghora	Bilaspur	190.000	Part
8.	Amgaon	29	36	Katghora	Bilaspur	109.843	Part

Total : 1219.731 hectares (approximately)

OR

3013.96 Acres (approximately)

**BOUNDARY DESCRIPTION**

**A—B** Line starts from point 'A' on the common boundary of villages Ralia—Saraisingar and passes along the Western boundary of Ralia village, then through Amgaon village and meets at point 'B'.

**B—C** Line passes partly along the northern boundary of Amgaon village, then through Pondi village, proceeds along the northern boundary of Bahanpat, Bhathora villages and meets at point 'C'.

**C—D** Line passes partly along the Eastern boundary of Bhathora village, then through villages, Bhathora, Bhelaibazar and meets at point 'D'.

**D—A** Line passes through Villages Bhelaibazar, Chhindpur, Ralia and meets at the starting point at 'A'.

## CORRIGENDA

New Delhi, the 10th December, 1997

S.O. 3134.—In the notification of the Government of India in the Ministry of Coal No. S.O. 1885, dated the 16th July, 1997, published at pages 3667 to 3669 of the Gazette of India, Part-II, Section 3, Sub-section (ii) dated the 2nd August, 1997 :—

1. At page 3668, (a) in section 8 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 as reproduced in sub-section (2) in line 1, 2, 3 and 4 for "Every objection under sub-section (1) shall in writing, and the competent authority shall be made to the competent authority give" read "Every objection under sub-section (1) shall be made to the competent authority in writing and the competent authority shall give";

(b) in NOTE 3, in line 7, for "4th April" read "4th April, 1987";

(c) in the Schedule "Block-A" in table, in column 2 under the heading "Name of village", at S. No. 5, for "Bholinara" read "Bhejinara";

(d) under the heading "plot numbers to be acquired in village Bhejinara (part)" in line 2, for "6, 7(Part)" read "7(Part)";

(e) under the heading "BOUNDARY DESCRIPTION" for the sub heading "A-A1-A2" read "A-A1-A2"

2. At page 3669 (a) in left side in line 1 for "299, 121, 227" read "299, 297";

(b) under the heading "Plot numbers to be acquired in village Dhelwadih Part" in line 1 for "78(Part)" read "78,1(Part)";

(c) in the Schedule "Block-B" in the table, under the column heading "Area in hectares" (i) IN TOTAL, for "48 328" read "28.328";

(ii) in GRAND TOTAL, for "4,29124" read "429,124".

[F. No. 43015/2 '96-LSW]

MRS. P. L. SAINI, Under Secy.

## पैदोलियम एवं प्राकृतिक गैस मंत्रालय

नई दिल्ली, 18 नवम्बर, 1997

का.आ. 3135.—यस: केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहिंस में यह आवश्यक है कि निरुक्तिगैस ग्रीड की प्राकृतिक गैस योगान के लिए तेंगाखात से तिनसुकिया तक, आसाम गैस कम्पनी लिमिटेड द्वितीयां द्वारा पाईया जाईन विधायी जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाईनों को विभाने के प्रयोग के लिये एकाधिक प्रयोगी गैस भूमि में उपयोग का प्रधिकार अर्जित करना आवश्यक है।

अतः अब पैदोलियम और खनिज पाईयनाई (भूमि में उपयोग के प्रधिकार का अर्जन) अधिनियम, 1982 (1962 का 50) की धारा 3 की उपधारा (2) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार ने उस में उपयोग का प्रधिकार अर्जित करने का द्वयना आशय एवं द्वारा घोषित किया है।

बास्ते कि उक्त भूमि में हितबद्ध खोदी यांत्रिक उत्तरी भूमि के तीव्रे पाईयनाई विभाने के लिये अधिक समझ अधिकारी उपायुक्त डिप्रॉगड़ आसाम की एस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर घटकित विनियिक्त व्यक्तिगत हो या किसी विधि व्यवसायी की माफत।

## भूमि अनुमति

तेंगाखात से तिनसुकिया चाय गैस ग्रीड तक 200 एकड़ा.एकड़ा. ओ.डी. भूवितस्व पाईयनाई विभाना

राज्य : आसाम जिला : तिनसुकिया तहसील : धनबद्दी

क्र.सं.	गांव	तालुक पाटा नं.	दाग न.	पि.	एकड़ा क.	मत्रम् ल.
1	2	3	4	5	6	7
1.	गोन्धिया नाहारोनी गांव (दूसरा भाग)	एन्युल नं. 77 सरकार मिधादी नं. 81 एन्युल नं. 43 मिधादी नं. 81 एन्युल नं. 63 एन्युल नं. 1 सरकार	460 459 451 454 452 455 539 540	0 1 0 0 0 0 1 1	1 1 0 1 0 1 1 1	10 8 2 3 18 0 6 14

1	2	3	4	5	6	7
		मियादी नं. 22	544	0	3	16
		मियादी नं. 23	515	1	4	9
		एत्युल नं. 2	634	0	1	8
		कुल		6	3	14
2.	गोमित्रा नाहरोनी गांव (पहला भाग)	मियादी नं. 151	288	0	2	8
		मियादी नं. 3	282	0	1	2
		मियादी नं. 138	281	0	0	18
		मियादी नं. 109	287	0	0	15
		मियादी नं. 30	289	0	3	12
		मियादी नं. 145	290	0	1	2
		मियादी नं. 19	301	0	0	15
		मियादी नं. 145	300	0	0	18
		मियादी नं. 115	308	0	2	4
		मियादी नं. 145	309	0	1	6
		मियादी नं. 120	310	0	1	17
		मियादी नं. 97	311	0	1	8
		मियादी नं. 19	312	0	1	6
		मियादी नं. 55	313	0	2	2
		मियादी नं. 10	242	0	1	2
		मियादी नं. 2	241	0	1	2
		मियादी नं. 98	240	0	2	0
		मियादी नं. 151	239	0	3	1
		मियादी नं. 138	238	0	0	18
		मियादी नं. 158	237	0	1	13
		मियादी नं. 49	236	0	1	11
		मियादी नं. 26	235	0	1	6
		मियादी नं. 66	233	0	1	16
		मियादी नं. 130	132	0	0	8
		मियादी नं. 66	234	0	1	13
		मियादी नं. 66	230	0	2	4
		मियादी नं. 119	229	0	1	6
		मियादी नं. 152	228	0	1	2
		मियादी नं. 151	225	0	1	6
		मियादी नं. 51	227	0	3	15
		मियादी नं. 99	363	0	2	0
		सरकार	364	0	1	0
		सरकार	366	0	0	14
		10 गांव ग्रान्ट	369	0	3	6
		मियादी नं. 28	370	0	0	18
		मियादी नं. 151	219	0	2	10
		मियादी नं. 27	217	0	1	13
		मियादी नं. 54	216	0	2	8
		मियादी नं. 53	375	0	1	0
		सरकार	376	0	0	7
		मियादी नं. 66	378	0	1	19

1	2	3	4	5	6	7
2	गोविया नाहरोनी गांव (पहला भाग)	मियादी नं. 125 मियादी नं. 26 मियादी नं. 9 मियादी नं. 139 मियादी नं. 27 कुल	379 190 189 186 220 15	0 1 1 0 0 4	0 0 0 1 0 0	11 16 1 19 2 0
3.	पानीतोला गांव	मियादी नं. 86 मियादी नं. 59 मियादी नं. 86 मियादी नं. 239 मियादी नं. 72 मियादी नं. 72 मियादी नं. 72 मियादी नं. 59 मियादी नं. 141 मियादी नं. 70 कुल	101 102 103 198 594 596 600 601 602 606 4	0 0 0 0 1 0 0 0 0 0 1	1 1 1 2 1 1 1 0 0 2 0	7 7 17 13 17 7 15 12 8 17 0
4.	पानीतोला चाय बागान	एक सी.टी. नं. 66 एक सी.टी. मं. 66 एक सी.टी. नं. 66 कुल	29 31 33 36 59 62 63 68 70 72 73 74 77 86 87 8	0 0 0 2 1 9 0 0 0 0 0 1 0 0 0 0 2	0 4 2 2 1 1 2 0 0 0 1 2 0 3 2 0 2	7 19 8 9 12 2 0 12 17 2 2 2 19 6 5 1
5.	1 नं. बालुपारा गांव	मियादी नं. 25 मियादी नं. 26 मियादी नं. 26 मियादी मं. 30 मियादी नं. 69 एन्युयल नं. 31 टी.पी. नं. 7 मियादी नं. 26 मियादी नं. 26 टी.पी. नं. 6 सरकार	123 132 134 135 139 140 144 155 162 163 164	1 0 0 0 0 0 0 0 0 0 1	4 1 0 0 0 0 1 0 0 2 0	12 2 12 16 14 17 8 5 2 10 15

1	2	3	4	5	6	7
5.	लालूपुरा गांव	एन.एल.आर. नं. 2	168	0	1	9
		टी.पी. 9	169	0	0	5
		मियादी नं. 85	175	0	0	15
		मियादी नं. 20	260	0	0	11
		सरकार	262	1	0	9
		मियादी नं. 56	263	3	4	6
		मियादी नं. 28	269	0	1	2
		मियादी नं. 28	270	2	3	2
		कुल	13	0	12	
6.	गिलालपुरी चाय बागान ग्रान्ट 241 नं. एन. एल. आर.	261 नं. एन.एल.आर. ]	5	3	1	14
		261 नं. एन.एल.आर.	6	2	3	2
		261 नं. एन.एल. आर	7	0	0	3
		261 नं.एन.एल. आर	15	2	0	18
		261 नं.एन.एल. आर	19	5	2	1
		कुल	13	2	18	
7.	गिलालपुरी गांव प्रथम और द्वितीय भाग	मियादी नं. 17	12	0	3	13
		मियादी नं. 10	11	0	0	2
		मियादी नं. 17	15	0	0	1
		मियादी नं. 17	16	1	0	17
		टी.पी. नं. 6	230	0	2	15
		मियादी नं. 44	272	0	0	2
		मियादी नं. 22	273	0	2	11
		मियादी नं. 20	274	0	4	15
		मियादी नं. 21	276	0	0	9
		मियादी नं. 113	278	0	4	4
		मियादी नं. 30	279	0	1	2
		मियादी नं. 114	280	0	0	2
		मियादी नं. 114	282	0	1	11
		मियादी नं. 113	283	1	0	8
		सरकार	307	0	4	19
		सरकार	308	0	2	11
		सरकार	309	0	3	18
		सरकार	311	0	1	4
		सरकार	312	0	2	4
		सरकार	313	0	4	4
		टी.पी. पी. नं. 19	314	0	1	2
		मियादी नं. 17	319	0	1	11
		मियादी नं. 17	320	0	0	11
		मियादी नं. 17	322	1	0	10
		मियादी नं. 112	323	0	0	9
		एन्युयल नं. 26	324	1	0	12
		एन्युयल	343	0	4	12
		सरकार	346	1	1	1
		मियादी नं. 157	382	0	2	19
		मियादी नं. 121	383	0	2	8
		मियादी नं. 121	384	0	3	17

1	2	3	4	5	6	7
		मियादी नं. 29	387	0	3	10
		एनुयल	388	1	0	14
		मियादी नं. 21	277	0	0	7
		टी.पी.पी.	438	0	1	11
		कुल	20	2	8	
8.	कासुजान चाय बागान	257 नं. एन.एल.आर	55	0	1	2
	236/234 और 163/160/	257 नं. एन.एल.आर.	57	1	0	9
	257 नं. एन.एल.आर. ग्रान्ट (दूसरा भाग)	163/160 नं. एन.एल.	84	1	3	17
		163/160 नं. एन.एल.	101	0	0	11
		163/160 नं. एन.एल.	104	1	3	17
		163/160 नं. एन.एल.	107	0	0	9
		163/160 नं. एन.एल.	108	4	0	14
		257 नं. एन.एल.आर.	110	0	1	4
		163/160 नं. एन.एल.	142	2	2	2
		163/160 नं. एन.एल.	143	1	1	1
		कुल	13	0	1	
9.	कासुजान चाय बागान जोकार्ड	236/234 नं. एन.एल.	18	0	0	11
	असम टी. क. ग्रान्ट नं. 236	163/160 नं. एन.एन.	27	0	1	8
	234/163/100 और 257	163/160 नं. एन.एल.	29	0	3	4
	एन.एल.आर. (प्रथम भाग)	163/160 नं. एन.एल.	245	0	1	1
		163/160 नं. एन.एल.	24	0	4	15
		163/160 नं. एन.एल.	37	0	0	5
		163/160 नं. एन.एल.	10	1	2	4
		163/160 नं. एन.एल.	12	0	1	12
		163/160 नं. एन.एल.	9	0	0	18
		163/160 नं. एन.एल.	23	0	0	1
		163/160 नं. ए.पी.एल.	36	2	0	8
		163/160 नं. एन.एल.	74	1	0	0
		257 नं. एन.एल.आर.	72	0	2	15
		257 नं. एन.एल.आर.	71	1	3	4
		257 नं. एन.एल.आर.	57	0	3	19
		257 नं. एन.एल.आर.	60	0	0	12
		257 नं. एन.एल.आर.	61	0	0	8
		257 नं. एन.एल.आर.	62	0	0	11
		कुल	10	2	16	
10.	सुकन पुखरी चाय	मियादी नं. 4	76	0	2	4
		कुल	0	2	4	
11.	सुकन पुखरी चाय बागान	टी.पी.पी. नं. 1	14	0	0	18
		टी.पी.पी. नं. 1	15	0	1	5
		टी.पी.पी. नं. 1	27	0	1	2
		टी.पी.पी. नं. 1	26	0	3	13
		सरकार	28	0	0	15
		सरकार	29	5	0	4
		सरकार	30	0	0	4
		सरकार	31	0	0	18
		सरकार	32	0	0	11
		कुल	1	4	10	

1	2	3	4	5	6	7
12.	तिनसुकिया टाउन पार्ट नं. 28	मियादी नं. 11	1443	0	2	4
		मियादी नं. 11	1442	0	4	9
		मियादी नं. 11	1444	2	0	1
		मियादी नं. 11	1441	0	1	6
		मियादी नं. 11	1424	0	4	10
		मियादी नं. 11	1352	0	0	9
		मियादी नं. 11	1356	3	0	0
		कुल		7	2	19

[सं. ओ.-12016/5(i) 97-ओ.एन.जी.डी-4]  
एम. मार्टिन, ईस्क प्रधिकारी

### MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 18th November, 1997

S.O. 3135.—Whereas it appears to the Central Government that it is necessary in the public interest that for supply of Natural Gas for Tinsukia Gas Grid, District Tinsukia, Assam, Pipeline should be laid from Tengakhat to Tinsukia by Assam Gas Company Limited, Duliajan.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the Right of User in land described in the Schedule annexed hereto.

Now, therefore in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may within 21 days from the date of this notification, object to the laying of the pipelines under the land to the competent authority, viz. Deputy Commissioner, Tinsukia District, Assam.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

### LAND SCHEDULE

Laying of 8" (200mm) O.D. Underground Natural Gas Pipeline from Tengakhat to Tinsukia

State : Assam

Dist : Tinsukia

Mouza : Ghorbandi

Sl. No.	Name of village	Patta No.	Dag No.	AREA			REMARKS
				B	K	L	
1	2	3	4	5	6	7	8
1.	Gondhia Nahorani Gaon (2nd part)	Annual No. 77	460	0	1	10	
		Wasteland	459	1	1	8	
		P.P. No. 81	451	0	0	2	
		Annual No. 43	454	0	1	3	
		P.P. No. 81	452	0	0	18	
		Annual No. 63	455	0	1	0	
		Annual No. 1	539	0	1	6	
		Wasteland	540	1	1	14	
		P.P. No. 22	544	0	3	16	
		P.P. No. 22	545	1	4	9	
		Annual No. 2	684	0	1	8	
		Total Area		6	3	14	

1	2	3	4	5	6	7
2. Gondhia Nahorani Gaon (1st Part)		P.P. No. 151	288	0	2	8
		P.P. No. 3	282	0	1	2
		P.P. No. 138	281	0	0	18
		P.P. No. 109	287	0	0	15
		P.P. No. 80	289	0	3	12
		P.P. No. 145	290	0	1	2
		P.P. No. 19	301	0	0	15
		P.P. No. 145	300	0	0	18
		P.P. No. 115	308	0	2	4
		P.P. No. 145	309	0	1	6
		P.P. N9. 120	310	0	1	17
		P.P. No. 97	311	0	1	8
		P.P. No. 19	312	0	1	6
		P.P. No. 55	313	0	2	2
		P.P. No. 10	242	0	1	2
		P.P. No. 2	241	0	1	2
		P.P. No. 98	240	0	2	0
		P.P. No. 151	239	0	3	1
		P.P. No. 138	238	0	0	18
		P.P. No. 158	237	0	1	13
		P.P. No. 49	236	0	1	11
		P.P. No. 26	235	0	1	6
		P.P. No. 66	233	0	1	16
		P.P. No. 130	132	0	0	8
		P.P. No. 66	234	0	1	13
		P.P. No. 66	230	0	2	4
		P.P. No. 119	229	0	1	6
		P.P. No. 152	228	0	1	2
		P.P. No. 151	225	0	1	6
		P.P. No. 51	227	0	3	15
		P.P. No. 99	363	0	2	0
		Wasteland	364	0	1	0
		Wasteland	366	0	0	14
		30 Years Grant	369	0	3	6
		P.P. No. 28	370	0	0	18
		P.P. No. 151	219	0	2	10
		P.P. No. 27	217	0	1	13
		P.P. No. 54	216	0	2	8
		P.P. No. 53	375	0	1	0
		Wasteland	376	0	0	7
		P.P. No. 66	378	0	1	19
		P.P. No. 125	379	0	0	11
		P.P. No. 26	190	1	0	16
		P.P. No. 9	189	1	0	1
		P.P. No. 139	186	0	1	19
		P.P. No. 27	220	0	0	2
		Total Area		15	4	0
3. Panitola Gaon		P.P. No. 86	101	0	1	7
		P.P. No. 59	102	0	1	7
		P.P. No. 86	103	0	1	17
		P.P. No. 239	198	0	2	13
		P.P. No. 72	594	1	1	17
		-do-	596	0	1	7
		-do-	600	0	1	15

1	2	3	4	5	6	7	8
		P.P. No. 59	601	0	0	12	
		P.P. No. 141	602	0	0	8	
		P.P. No. 70	606	0	2	17	
		Total Area		4	1	00	
4. Panitola Chah Bagicha		FCT No. 66	29	0	0	7	
		-do-	31	0	4	19	
		-do-	33	0	2	8	
		-do-	36	2	2	9	
		-do-	59	1	1	12	
		-do-	62	0	1	2	
		-do-	63	0	2	0	
		-do-	68	0	0	12	
		-do-	70	0	3	17	
		-do-	72	0	0	2	
		-do-	73	0	1	2	
		-do-	74	0	2	19	
		-do-	77	0	0	6	
		-do-	86	0	3	5	
		-do-	87	0	0	1	
		Total Area		8	2	1	
5. 1 No. Balu Pare Gaon		P.P. No. 25	123	1	4	12	
		P.P. No. 26	132	0	1	2	
		P.P. No. 26	134	0	0	12	
		P.P. No. 30	135	0	0	16	
		P.P. No. 69	139	0	0	14	
		Annual No. 31	140	0	0	17	
		T.P. No. 7	144	0	1	8	
		P.P. No. 26	155	0	0	5	
		P.P. No. 26	162	0	0	2	
		T.P. No. 6	163	0	2	10	
		Westeland	164	1	0	15	
		NLR No. 2	168	0	1	9	
		T.P. No. 9	169	0	0	5	
		P.P. No. 85	175	0	0	15	
		P.P. No. 20	260	0	0	11	
		Wasteland	262	1	0	9	
		P.P. No. 56	263	3	4	6	
		P.P. No. 28	269	0	1	2	
		P.P. No. 28	270	2	3	2	
		Total Area		13	0	12	
6. Gela Pukhuri Chah Bagicha, Grant No. 261 NLR		261 No. NLR	5	3	1	14	
		-do-	6	2	3	2	
		-do-	7	0	0	3	
		-do-	15	2	0	18	
		-do-	19	5	2	1	
		Total Area		13	2	18	

1	2	3	4	5	6	7	8
7. Gela Pukhuri Gaon, 1st & 2nd Part		P.S. No. 17	12	0	3	13	
		T.P.P. No. 10	11	0	0	2	
		P.S. No. 17	15	0	0	1	
		-do-	16	1	0	17	
		T.P.P. No. 6	230	0	2	15	
		P.P. No. 44	272	0	0	02	
		P.P. No. 22	273	0	2	11	
		P.P. No. 20	274	0	4	15	
		P.P. No. 21	270	0	0	09	
		P.P. No. 113	278	0	4	04	
		P.P. No. 30	279	0	1	02	
		P.P. No. 114	280	0	0	02	
		P.P. No. 114	282	0	1	11	
		P.P. No. 113	283	1	0	08	
		Westeland	307	0	4	19	
		-do-	308	0	2	11	
		-do-	309	0	3	18	
		-do-	311	0	1	04	
		-do-	312	0	2	04	
		-do-	313	0	4	04	
		T.P.P. No. 19	314	0	1	02	
		T.P. No. 17	319	0	1	11	
		-do-	322	1	0	10	
		P.P. No. 112	323	0	0	09	
		Annual No. 26	324	1	0	12	
		Annual	343	0	4	12	
		Waste land	346	1	1	01	
		P.P. No. 157	382	0	2	19	
		P.P. No. 121	383	0	2	08	
		-do-	384	0	3	17	
		P.P. No. 29	387	0	3	10	
		Annual	388	1	0	14	
		P.P. No. 21	277	0	0	07	
		T.P.P. No.	438	0	1	11	
		Total Area		20	2	08	
8. Kasujan Chah Bagicha 236/234 and 163/160/ 257 No. NLR Grant (2nd Part)		257 No.					
		NLR Grant	55	0	1	12	
		-do-	57	1	0	09	
		163/160 No.	84	1	3	17	
		NLR Grant					
		-do-	101	0	0	11	
		-do-	104	1	3	17	
		-do-	107	0	0	09	
		-do-	108	4	0	14	
		257 No.					
		NLR Grant	110	0	1	4	
		163/160					
		No. NLR Grant	142	2	2	2	
		-do-	143	1	1	1	
		Total Area		13	0	6	

1	2	3	4	5	6	7	8	
9.	Kasujan Chah Bagicha, Jokai Assam Tea Co. Limited Grant No 236/234/163/100 & 257 NLR 1st Part	NLR 236/234 163/160 NLR 163/160 NLR 163/160 NLR 236/234 NLR 236/234 NLR -do- -do- -do- -do- -do- -do- 257 No. NLR -do- -do- -do- -do- -do-	18 27 29 25 24 37 10 12 9 23 36 74 72 71 57 60 61 62	0 0 0 0 0 0 1 0 0 0 2 1 0 2 1 0 0 0 0 0	0 1 3 0 4 0 2 1 0 0 0 0 0 2 3 3 0 0 0 0	11 08 04 1 15 5 4 12 18 01 08 0 15 04 19 12 08 11		
		Total Area		10	2	16		
10.	Sukan Pukhuri Gaon	P.P. No. 4	76	0	2	04		
		Total Area		0	2	04		
11.	Sukan Pukhuri Chah Bagicha	TPP No. 1 -do- -do- -do- Wasteland -do- -do- -do- -do- -do-	14 15 27 26 28 29 30 31 32	0 0 0 0 0 0 0 0 0	0 1 1 3 0 0 0 0 0	18 05 02 13 15 04 04 18 11		
		Total Area		1	4	10		
12.	Tinsukia Town Part No. 28	P.P. No. 11 P.P. No. 11 -do- -do- -do- -do- -do-	1443 1442 1444 1441 1424 1352 1356	0 0 2 0 0 0 3	2 4 0 1 4 0 0	4 9 1 6 10 9 0		
		Total Area		7	2	19		

नई दिल्ली, 18 नवम्बर, 1997

का०आ० 3136.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि तिनमुक्तीया गैर ग्रीष्म को प्राकृतिक गैस यौगान के लिये टेंगखान से तिनमुक्तीया तक, आसाम गैस कम्पनी लिमिटेड बुलियाजान ड्वारा पाइप लाइन बिछायी जानी चाहिए ।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एन्ड्रुपाथ्ट अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है ।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अंजन) अधिनियम, 1962 (1962 का पू०) की धारा 3 की उपधारा (2) ड्वारा प्रथम शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग, का अधिकार अंजित करने का अपना आशय एतद्वारा घोषित किया है ।

ब्रह्मते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप संकेत अधिकारी उपायुक्त डिक्ट्रीगढ़ आसाम की इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा ।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिविष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिगत हो या किसी विधि अवसाधी की मार्फत ।

## भूमि अनुसूची

तेंगखान से तिनमुक्तीया तक 200 एम०एम० ओ०डी० भूमितलस्थ पाईप लाइन बिछाना

राज्य : आसाम

जिला : डिक्ट्रीगढ़

तहसील : घरबन्दी

क्र०सं०	गांव	तालुक	पाठा नं०	पुः दाग नं०	एरिया			मन्त्रबय
					वि०	क०	ल०	
1	2	3	4	5	6	7	8	
1. रंगचंगी			मियादी 98	44	0	1	16	
			मियादी 72	167	0	1	8	
			मियादी 98	168	0	4	15	
			मियादी 112	170	0	0	15	
			मियादी 99	171	0	3	13	
			मियादी 136	172	0	1	9	
			मियादी 72	173	0	1	1	
			मियादी 139	174	0	0	5	
			मरकार	258	0	3	13	
			कुल		3	3	15	
2. मोरानी पथार			मियादी 42	9	0	0	9	
			मियादी 64	12	1	2	5	
			मियादी 67	26	0	0	6	
			मियादी 59	27	1	4	3	
			मियादी 40	38	1	0	9	
			मियादी 27	39	2	0	18	
			मियादी 37	40	0	2	19	
			मियादी 57	41	0	4	15	
			मरकार	43	0	0	7	
			मियादी 20	56	0	1	14	
			कुल		8	3	5	

1	2	3	4	5	6	7	8
3.	सेवा कास गांव	मियादी 123	127	1	1	18	
		मियादी 29	147	0	3	2	
		मियादी 25	148	0	4	5	
		सरकार	149	0	1	17	
		मियादी 14	151	1	0	11	
		मियादी 14	152	0	0	19	
		सरकार	110	0	0	18	
		कुल		4	3	10	
4.	चैतिया पमार गांव	सरकार	1	0	0	15	
		मियादी 39	13	1	3	7	
		मियादी 9	23	0	0	2	
		सरकार	24	0	1	17	
		मियादी 53	25	0	3	4	
		मियादी 53	26	0	0	11	
		मियादी 8	28	0	2	11	
		मियादी 78	29	0	2	8	
		मियादी 31	31	0	0	7	
		मियादी 7	54	0	2	4	
		मियादी 26	55	0	1	9	
		मियादी 36	56	0	2	8	
		मियादी 86	57	0	1	2	
		मियादी 13	58	0	2	4	
		मियादी 50	83	0	3	1	
		मियादी 55	84	0	0	9	
		मियादी 86	85	0	1	2	
		मियादी 55	89	0	1	2	
		सरकार	117	0	1	8	
		मियादी 64	122	0	2	0	
		सरकार	123	0	0	5	
		मियादी 63	124	1	0	9	
		ए.नुयल 9	138	1	0	5	
		मियादी 65	140	0	0	2	
		मियादी 5	142	0	0	9	
		सरकार	143	0	0	15	
		मियादी 71	146	0	1	2	
		मियादी 65	147	1	0	8	
		मियादी 87	148	0	0	2	
		मियादी 10	183	0	0	2	
		मियादी 79	185	0	1	17	
		मियादी 16	186	0	1	17	
		मियादी 85	187	0	4	14	
		मियादी 10	189	0	2	0	
		मियादी 81	211	0	0	2	
		मियादी 83	213	0	0	1	
		मियादी 29	278	0	0	1	
		सरकार	47	0	0	18	
		कुल		13	4	0	

1	2	3	4	5	6	7	8	
5.	पोलोनगा गांव (दूसरा भाग)	एनुयल 48 एनुयल 49 एनुयल 8 एनुयल 41 मियादी नं० 16 मियादी नं० 15 मियादी नं० 142 मियादी नं० 11 सरकार नं० सरकार मियादी नं० 25 मियादी नं० 26 मियादी नं० 27 मियादी नं० 18 मियादी नं० 14 सरकार एनुयल नं० 11 मियादी नं० 170 मियादी नं० 84 एनुयल नं० 4 मियादी नं० 29 मियादी नं० 185 सरकार सरकार सरकार कुल	261 263 264 268 269 270 314 316 315 326 325 364 365 483 373 416 417 418 419 427 426 313 262 476 462 12	0 1 1 0 0 1 0 0 0 0 2 1 0 2 1 0 0 2 0 0 0 0 0 0 0	0 0 2 1 3 2 2 0 0 0 2 0 4 4 0 2 0 2 1 0 0 0 0 0 0 0	2 9 3 7 11 1 6 0 2 2 13 17 4 10 1 5 16 14 16 2 4 10 07 5 19 0		
6.	नानानीहोसा बगाली गांव	30व. ग्रान्ट नं० 26 30व. ग्रान्ट नं० 26 कुल	45 46 150 151 178 253 275 333 358 392	1 1 0 0 2 1 1 1 1 0	1 1 3 0 3 1 3 2 1 3	12 12 4 9 15 16 1 14 11 2		

[सं. ओ० - १२०१६ / ५(ii)/९७-ओ दन शी-शी ४]  
एम० मार्टिन, डॉल्स प्रविकारी

New Delhi, the 18th November, 1997

S.O. 3136.—Whereas it appears to the Central Government that it is necessary in the public interest that for supply of natural Gas for Tinsukia Gas Grid, District Tinsukia, Assam, Pipeline should be laid from Tengakhat to Tinsukia by Assam Gas Comapany Limited, Duliajan.

And whereas it appears that for the purpose of laying such pipeline it is necessary to acquire the Right of Use in land described in the Schedule annexed hereto.

Now, therefore in exercise of the powers conferred by Sub Section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may within 21 days from the date of this notification object to the laying of the pipelines under the land to the competent authority, viz. Deputy Commissioner, Dibrugarh, Assam.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## LAND SCHEDULE

Laying of 8" (200 mm) O.D. underground Natural Gas Pipeline from Tengakhat to Tinsukia.

State : Assam

District : Dibrugarh

### **Mouza : Gharbandi**

Sl. No.	Name of Village	Patta No.	Dag No.	Area			Remarks
				B	K	L	
1	2	3	4	5	6	7	8
<b>1.</b>	<b>Rangsongi</b>						
		P.P. No. 98	44	0	1	16	
		P.P. No. 72	167	0	1	8	
		P.P. No. 98	168	0	4	15	
		P.P. No. 112	170	0	0	15	
		P.P. No. 99	171	0	3	13	
		P.P. No. 136	172	0	1	9	
		P.P. No. 72	173	0	1	1	
		P.P. No. 139	174	0	0	5	
		Wasteland	258	0	3	13	
		<b>Total Area</b>		3	3	15	
<b>2.</b>	<b>Morani Pothar</b>						
		P.P. No. 42	9	0	0	9	
		P.P. No. 64	12	1	2	5	
		P.P. No. 67	26	0	0	6	
		P.P. No. 59	27	1	4	3	
		P.P. No. 40	38	1	0	9	
		P.P. No. 27	39	2	0	18	
		P.P. No. 37	40	0	2	19	
		P.P. No. 57	41	0	4	15	
		Wasteland	43	0	0	7	
		P.P. No. 20	56	0	1	14	
		<b>Total Area</b>		8	3	5	
<b>3.</b>	<b>Sessa Kash Gaon</b>						
		P.P. No. 123	127	1	1	18	
		P.P. No. 129	147	0	3	2	
		P.P. No. 25	148	0	4	5	
		Wasteland	149	0	1	17	
		P.P. No. 14	151	1	0	11	
		P.P. No. 14	152	0	0	19	
		Wasteland	110	0	0	18	
		<b>Total Area</b>		4	3	10	

1	2	3	4	5	6	7	8
<b>4. Chetia Pothar Gaon</b>		Wasteland	1	0	0	15	
		P.P. No. 39	13	1	3	7	
		P.P. No. 9	23	0	0	2	
		Wasteland	24	0	1	17	
		P.P. No. 53	25	0	3	4	
		P.P. No. 53	26	0	0	11	
		P.P. No. 8	28	0	2	11	
		P.P. No. 78	29	0	2	8	
		P.P. No. 84	31	0	0	7	
		P.P. No. 7	54	0	2	4	
		P.P. No. 26	55	0	1	9	
		P.P. No. 36	56	0	2	8	
		P.P. No. 86	57	0	1	2	
		P.P. No. 13	58	0	2	4	
		P.P. No. 50	83	0	3	1	
		P.P. No. 55	84	0	0	9	
		P.P. No. 86	85	0	1	2	
		P.P. No. 55	89	0	1	2	
		Wasteland	117	0	1	8	
		P.P. No. 64	122	0	2	0	
		Wasteland	123	0	0	5	
		P.P. No. 63	124	1	0	9	
		Annual No. 9	138	1	0	5	
		P.P. No. 65	140	0	0	2	
		P.P. No. 5	142	0	0	9	
		Wasteland	143	0	0	15	
		P.P. No. 71	146	0	1	2	
		P.P. No. 65	147	1	0	8	
		P.P. No. 87	148	0	0	2	
		P.P. No. 10	183	0	0	2	
		P.P. No. 79	185	0	1	17	
		P.P. No. 16	186	0	1	17	
		P.P. No. 85	187	0	4	14	
		P.P. No. 10	189	0	2	0	
		P.P. No. 81	211	0	0	2	
		P.P. No. 83	213	0	0	1	
		P.P. No. 29	278	0	0	1	
		Wasteland	47	0	0	18	
		Total Area		13	4	0	
<b>5. Polonga Gaon (2nd Part)</b>		Annual 48	261	0	0	2	
		Annual 49	263	1	0	9	
		Annual 8	264	1	2	3	
		Annual 41	268	0	1	7	
		P.P. No. 16	269	0	3	11	
		P.P. No. 15	270	1	2	01	
		P.P. No. 142	314	0	2	6	
		P.P. No. 11	316	0	2	0	
		Wasteland	315	0	0	2	
		Wasteland	326	0	0	2	
		P.P. No. 25	325	0	2	13	
		P.P. No. 26	364	1	0	17	
		P.P. No. 27	365	0	4	4	
		P.P. No. 18	483	1	0	10	
		P.P. No. 14	373	0	2	1	

1	2	3	4	5	6	7	8
5. Polonga Gaon (IIInd. Part)		Wasteland	416	0	0	5	
		Annual No. 11	417	0	2	16	
		P.P. No. 170	418	0	2	14	
		P.P. No. 84	419	0	2	16	
		Annual No. 4	427	0	0	2	
		P.P. No. 29	426	0	1	4	
		P.P. No. 185	313	0	0	10	
		Wasteland	262	0	0	07	
		Wasteland		0	0	5	
		Wasteland		0	0	19	
		Total Area		12	1	06	
6. Nalani Holla Bangali Gaon		30 yrs. Grant					
		No. 26	45	1	1	12	
		-do-	46	1	1	12	
		-do-	150	0	3	04	
		-do-	151	0	0	09	
		-do-	178	2	3	15	
		-do-	253	1	1	16	
		-do-	275	1	3	01	
		-do-	333	1	2	14	
		-do-	359	1	1	11	
		-do-	392	0	3	2	
		Total Area		12	2	16	

[No. O-12016/5(ii)/97-ONG-D4]

M. MARTIN, Desk Officer

नई दिल्ली, 16 दिसम्बर, 1997

का.आ. 3137.---केन्द्रीय सरकार को यह प्रतीत होता है कि सोकहित में ऐसा करना आवश्यक है कि पश्चिमी बंगाल राज्य के हल्दिया से बिहार राज्य के बरोनी तक पेट्रोलियम पदार्थों के परिवहन के लिए इंडियन आयल कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए;

और यह प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए अधिसूचना से सम्बन्ध अनुसूची में विविध भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है।

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शर्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आवश्यक विवरण करती है;

उक्त अनुसूची में विविध भूमि में हितवद्ध कोई व्यक्ति उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साक्षात्कार जनता को उपलब्ध करा दी जाती हैं, 21 दिन के भीतर भूमि के नीचे पाइप लाइन बिछाने के संबंध में उनमें उपयोग के अधिकार का अर्जन करने संबंधी विविध रूप में आक्षेप श्री प्रदीप-योगिन्द्रा धोधरी, सक्षम प्राधिकारी, इंडियन आयल कारपोरेशन लिमिटेड, हल्दिया-बरोनी पाइप लाइन परियोजना, डाक-घर, खंजनबक बासुबेदपुर जिला-मिदनापुर (पश्चिमी बंगाल) को कर सकेगा।

## अनुसूची

पुलिस थाना : दुब्राजपुर

जिला : बीरभूम

राज्य : पश्चिमी बंगाल

क्षेत्र

गाँव	सं.खा.सं.	प्लॉट सं.	क्षेत्र		
			हेक्टेयर	आरे से	इंच
खोलाकुडी	5	30	0	2	43
		3	0	8	50
		3/1178	0	6	88
		6	0	0	40
		1	0	4	05
		31	0	4	86
लक्ष्मीनारायणपुर	4	684	0	0	40
		310	0	4	86
पंगलापुर	3	977	0	0	61
		966	0	7	28
		965	0	4	05
		960	0	8	50
		518	0	1	21
		3593	0	7	79
पांचीरा					

[संख्या : अरा-31075/25/97ओ.आर.-I]  
के.सी. कटोच, अवर सचिव

New Delhi, the 16th December, 1997

S.O. 3137.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum Products from Haldia in the State of West Bengal to Barauni in the State of Bihar, a pipeline should be laid by the Indian Oil Corporation Limited :

And whereas, it appears that for the purpose of laying such pipelines' it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification :

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein :

Any person, interested in the land described in the said schedule may within 21 days from the date on which the copies of this notification as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the Pipeline under the land to Shri Pradip Gobinda Chowdhuri, Competent Authority, Indian Oil Corporation Limited,, Haldia-Barauni Pipeline Project, Post Office-Khanjanchak, Basudevpur, District-Midnapur (West Bengal)

## SCHEDULE

Police Station : Dubrajpur      District : Birbhum      State : West Bengal

Village	District : Birbhum	Jurisdiction List No.	Area		
			Hectares	Ares	Centrares
Kholakudi	5	30	0	2	43
		3	0	8	50
		3/1178	0	6	88
		6	0	0	40
		1	0	4	05
		31	0	4	86
Lakhsminarayapur	4	684	0	0	40
		310	0	4	86
Punglapur	3	977	0	0	61
		966	0	7	28
		965	0	4	05
		960	0	8	50
		518	0	1	21
		3593	0	7	79
Pachiara					

[No. R-31015/25/97-OR-II]  
K. C. KATOCH, Under Secy.

नई दिल्ली, 11 दिसम्बर, 1997

का.आ. 3138 - केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइप-लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) को धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1800, तारीख 23 जून 1997 द्वारा पेट्रोलियम के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में बिनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियां जनता को तारीख 19 जुलाई, 1997 को उपलब्ध करा दी गई थी;

और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में बिनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस अधिसूचना से संलग्न अनुसूची में बिनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित करने की घोषणा करती है;

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार, केन्द्रीय सरकार में निहित होने की बजाए, सभी विलगांमों से रहित भारत ओमान रिफाइनरीज लिमिटेड में निहित होगा।

## अनुसूची

तालुका: पड़धरी		जिला: राजकोट	राज्य: गुजरात		
गांव का नाम	सर्वेक्षण संख्या/खंड संख्या	क्षेत्र			
(1)	(2)	(3)	(4)	(5)	
खजुरडी	145/1	0	20	84	
	145/2	0	54	30	
	145/3	0	00	48	
	146 पैकी	0	27	30	
	146 पैकी	0	28	20	
	148	0	22	35	
	149/2	0	15	55	
	151	0	16	37	
	150 पैकी	0	35	20	
	138 पैकी	0	14	40	
	138 पैकी	0	47	90	
	131 पैकी	0	06	50	
	131 पैकी	0	47	20	
	130	0	46	00	
	132 पैकी	0	00	50	
	129 पैकी	0	60	90	
	126	0	34	80	
	119 पैकी	0	42	75	
	118 पैकी	0	17	85	
	118 पैकी	0	24	60	
	117	0	23	70	
	116/1	0	42	45	
	80 पैकी	0	06	00	
	81/1 पैकी	0	43	20	
	68 पैकी	0	10	32	
	82	0	14	84	
	84/2	0	00	06	
	83/पैकी	0	35	50	
	83/पैकी	0	35	60	

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	88	0	27	60		485 पैकी	0	83	80
	89/4	0	36	75		449/1 पैकी	0	45	00
	89/1 पैकी	0	14	88		448/2 पैकी	0	15	62
	89/2	0	44	50		448/1 पैकी	0	07	99
	91/1 पैकी	0	43	25		410/1 पैकी	0	02	46
	91/3 पैकी	0	12	30		411 पैकी	0	26	70
	91/3 पैकी	0	12	30		411 पैकी	0	26	70
	91/4	0	16	50		411 पैकी	0	26	70
	95/2	0	27	51		411 पैकी	0	08	34
	13/2	0	12	90		409 पैकी	0	08	36
	13/3	0	07	80		409 पैकी	0	12	64
	12 पैकी	0	33	78		408 पैकी	0	30	45
	11 पैकी	0	37	80		407 पैकी	0	10	72
	11 पैकी	0	17	70		407 पैकी	0	10	73
खाखराबेला	536/1 पैकी	0	42	30		406 पैकी	0	22	65
	534/1 पैकी	0	63	05		405 पैकी	0	07	04
	533/1	0	22	50		405 पैकी	0	02	56
	533/2	0	23	25		403	0	14	46
	533/3	0	10	54		404	0	15	90
	465	0	28	35		394	0	15	11
	466 पैकी	0	38	10		393 पैकी	0	02	96
	467	0	19	05		395 पैकी	0	15	10
	468	0	15	75		395 पैकी	0	03	20
	469 पैकी	0	27	41		379 पैकी	0	21	60
	470 पैकी	0	01	00		379 पैकी	0	15	30
	462 पैकी	0	15	30		378 पैकी	0	20	40
	461 पैकी	0	17	80		378 पैकी	0	19	20
	460/2 पैकी	0	17	10		377/पैकी	0	54	00
	459	0	20	40		377/पैकी	0	20	85
	458	0	01	05		370	0	13	47
	481/पैकी	0	10	80		369	0	66	90
	484	0	00	80					

[फा. सं. आर-31015/8/97-ओआर. II]

के. सी. कटोष, अवर सचिव

New Delhi, 11th December, 1997

(1) (2) (3) (4) (5)  
146 Paiki 0 27 30

S.O. 3138 Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S. O. 1800 dated the 23rd June 1997, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Aquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum;

And whereas, the copies of the said gazette notification were made available to the public on the 19th day of July, 1997;

And whereas, the Competent authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that the right of user in the lands specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Bharat Oman Refinaries Limited;

#### Schedule

Taluka: Padadhari		District: Rajkot		State: Gujarat		
Name or Villaze	Survey/Block Number	Area				
(1)	(2)	(3)	(4)	(5)		
Khajurdi	145/1	0	20	84	83/Paiki	0 35 50
	145/2	0	54	30	83/Paiki	0 35 60
	145/3	0	00	48	88	0 27 60
					89/4	0 36 75
					89/1 Paiki	0 14 88
					89/2	0 44 50

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
	91/1 Paiki	0	43	25		448/2 Paiki	0	15	62
	91/3 Paiki	0	12	30		448/1 Paiki	0	07	99
	91/3 Paiki	0	12	30		410/1 Paiki	0	02	46
	91/4	0	16	50		411 Paiki	0	26	70
	95/2	0	27	51		411 Paiki	0	26	70
	13/2	0	12	90		411 Paiki	0	26	70
	13/3	0	07	80		411 Paiki	0	08	34
	12 Paiki	0	33	78		409 Paiki	0	08	36
	11 Paiki	0	37	80		409 Paiki	0	12	64
	11 Paiki	0	17	70		408 Paiki	0	30	45
Khakhrabela	536/1 Paiki	0	42	30		407 Paiki	0	10	72
	534/1 Paiki	0	63	05		407 Paiki	0	10	73
	533/1	0	22	50		406 Paiki	0	22	65
	533/2	0	23	25		405 Paiki	0	07	04
	533/3	0	10	54		405 Paiki	0	02	56
	465	0	28	35		403	0	14	46
	466 Paiki	0	38	10		404	0	15	90
	467	0	19	05		394	0	15	11
	468	0	15	75		393 Paiki	0	02	96
	469 Paiki	0	27	41		395 Paiki	0	15	10
	470 Paiki	0	01	00		395 Paiki	0	03	20
	462 Paiki	0	15	30		379 Paiki	0	21	60
	461 Paiki	0	17	80		379 Paiki	0	15	30
	460/2 Paiki	0	17	10		378 Paiki	0	20	40
	459	0	20	40		378 Paiki	0	19	20
	458	0	01	05		377/Paiki	0	54	00
	481/Paiki	0	10	80		377/Paiki	0	20	85
	484	0	00	80		370	0	13	47
	485 Paiki	0	83	80		369	0	66	90
	449/1 Paiki	0	45	00					

नई दिल्ली, 12 दिसम्बर, 1997

का.आ. 3139 :— केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पाइप-लाईन ( भूमि में उपयोग के अधिकार का अर्जन ) अधिनियम, 1962 ( 1962 का 50 ) ( जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है ) की धारा 3 की उपधारा ( 1 ) के अधीन दिनांक 05/07/97 के राजपत्र के पृष्ठ अंक 3257 से 3264 पर जारी की गई भारत सरकार के पेट्रोलियम और प्रकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 1674, तारीख 16 जून 1997 द्वारा पेट्रोलियम (कुड़-आयल) के परिवहन के लिए पाइप लाईन बिछाने के प्रयोजनार्थ उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्रित अधिसूचना की प्रतियाँ जनसाधारण को तारीख 17 जुलाई 1997 से उपलब्ध करा दी गई थीं ;

और उक्त अधिनियम की धारा 6 की उपधारा ( 1 ) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार अर्जित किए जाने चाहिए ।

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा ( 1 ) में प्रदत्त अधिकारों का प्रयोग करते हुए घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार एतद द्वारा अर्जित किया जाता है ।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा ( 4 ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय, सभी बाधाओं से रहित भारत ओमान रिफायनरीज़ लिमिटेड में निहित होगा ।

### अनुसूची

तहसील : झानुआ जिला : झानुआ राज्य : मध्यप्रदेश

ग्राम का नाम	सर्वेक्षण संख्या	क्षेत्र त्रिकोण / आरे
(1)	(2)	(3)
भीम फालिया	2	0.15
कालाखूट	167	0.07
	169	0.08
	170	0.26
	274/1	0.11

(1)	(2)	(3)
पिटोलकलौ	16	0.02
	24	0.56
	26	0.04
	27	0.06
	29	0.09
	170	0.01
	171	0.02
	172	0.06
	173	0.09
	174	0.01
	175	0.03
	176	0.27
	179	0.15
	180	0.03
	181	0.12
	182	0.09
	183	0.29
	186	0.02
	188	0.02
	189	0.16
	190	0.11
	198	0.03
	201	0.02
	236	0.02
	239	0.26
	240	0.01
	242	0.13
	243	0.17
	245	0.02
	2	0.03
	9	0.03
	11	0.10
	14	0.31
	16	0.02
	29	0.05
	31	0.15
	33	0.01
	34	0.03
	1005	0.01
	1006	0.22
	1007	0.17
	1013	0.01
	1014	0.10
	1015	0.01
	1017	0.26
	1018	0.18
	1918	0.02
	1926	0.01
	1927	0.08
	1928	0.06
	1929	0.04

(1)	(2)	(3)	(1)	(2)	(3)
	1930	0.13		225	0.01
	1955	0.07		226	0.09
	1956	0.04		227	0.04
	1957	0.02		228	0.35
	1958	0.01		233	0.03
	1961	0.05		234	0.16
	1962	0.05		242	0.09
	1963	0.04		244	0.03
	1964	0.02		247	0.07
	1965	0.02		248	0.49
	1969	0.02		249	0.01
	1996	0.01		268	0.07
	1997	0.11		273	0.02
	1998	0.05		274	0.10
	1999	0.04		275	0.03
	2002	0.01		276	0.04
	2009	0.01		277	0.10
	2010	0.05		278	0.01
	2011	0.07		287	0.09
	2012	0.01		288	0.15
	2014	0.03		289	0.20
	2015	0.07		293	0.03
	2016	0.04		294	0.16
	2017	0.05		295	0.23
	2018	0.02		296	0.08
	2025	0.04		323	0.11
	2026	0.02		324	0.02
	2027	0.04	મોદ	97	0.23
	2030	0.05		99	0.12
	2062	0.34		100	0.02
ખેડી	112/1	0.13		101	0.12
	112/2			102	0.01
	113/1			115	0.14
	113/2	0.15		116	0.06
	113/3			117	0.13
	113/4			118	0.05
	114	0.08		120	0.02
	115/1			128	0.04
	115/2			144	0.15
	115/3			151	0.54
	115/4	0.15		167	0.05
	115/5			241	0.05
	115/6			242	0.13
	115/7			297	0.08
	201/1			302	0.04
	201/2	0.06		341	0.06
	201/3			342	0.18
	204/1	0.12		364	0.01
	204/2			365	0.10
	215	0.15		366	0.16
	216/1			367	0.03
	216/2			368	0.18
	216/3	0.35		369	0.04
	216/4			370	0.04
	216/5		મસ્તરિયા	207	0.04
	217	0.07		208	0.01
	224	0.31		214	0.20

(1)	(2)	(3)	(1)	(2)	(3)
	215	0.20		183	0.05
	218	0.15		205	0.21
	219	0.18		206	0.27
	220	0.44		207	0.20
	237	0.01		208	0.10
	239	0.21		220	0.02
	240	0.05	देवर	378	0.13
	241	0.22		428	0.02
	243	0.14		429	0.02
	244	0.01		430	0.03
	363	0.02		431	0.21
	364	0.18		432	0.02
	365	0.25		442	0.22
	366	0.11		443	0.11
	368	0.03		465	0.34
	369	0.04		469	0.40
	374	0.36		471	0.11
	378	0.01		472	0.22
गेलरकला	33	0.05		473	0.22
	97	0.03		474	0.20
	158	0.15		475	0.26
	159	0.14		540	0.09
	160	0.02		582	0.25
	161	0.07		583	0.04
	174	0.03		585	0.02
	176	0.04		588	0.02
	179	0.27		589	0.01
	181	0.02		590	0.02
	207	0.28		594	0.05
	208	0.29		614	0.26
	216	0.09		810	0.04
	217	0.03		811	0.05
	218	0.03		814	0.09
उदयमाल	21	0.45		815	0.19
	23	0.06		816	0.08
नरवालिया	80	0.21		831/1	0.10
	97	0.07		1268	0.12
	98	0.24		1269	0.09
	99	0.17		1270	0.26
	100	0.02		1281	0.09
	114	0.16		1286	0.19
	115	0.15		1290	0.04
	130	0.02		1291	0.23
	131	0.05		1343	1.11
	132	0.11		1360	0.01
	142	0.27		1372	0.02
	143/384	0.01		1374	0.32
	143	0.05		1407	0.21
	144	0.07		1408	0.01
	151	0.05		1409	0.22
	152	0.34		1410	0.20
	153	0.04		1411	0.08
	155	0.17		1415	0.04
	177	0.13	जूनवार्निया	2	0.03
	178	0.18		3	0.09
	181	0.08		5	0.08
	182	0.11		6	0.01

(1)	(2)	(3)	(1)	(2)	(3)
	126/1			365	0.51
	126/2	0.03		371/1	0.37
	126/3			449	0.03
	127	0.30		538	0.14
	131	0.08		539	0.14
	132	0.10	544/1		
	134	0.02	544/2		0.28
बरोड़	506	0.07	544/3		
	509	0.06	544/4		
	513	0.20	545		0.02
	514	0.42	546/1		
कल्याणपुर	242	0.18	546/2		0.08
	243	0.01	546/3		
	244	0.22	546/4		
	245	0.26	560/1		0.06
	246	0.01	560/2		0.14
	267	0.16	560/3		0.02
	268	0.11	561/1		0.02
	269	0.12	566		0.21
	272	0.17	567/1		
	273	0.26	567/2		0.05
	275	0.01	567/3		
	551	0.11	567/4		
	721	0.29	587/1		0.01
	722	0.16	588		0.07
	723	0.03	605		0.04
	728	0.20	606/3		0.19
	729	0.12	606/4		
	732	0.01	608		0.08
	733	0.15	609		0.03
	734	0.03	615		0.09
	737/1	0.17	616		0.02
	737/2		619		0.39
	738	0.10	620		0.34
भमरदा	553	0.03	624		0.01
	554	0.32	625		0.03
	556	0.01	631		0.29
	562	0.30	632		0.08
	563	0.04	633/2		0.35
	564	0.28	690		0.11
	565	0.04	691		0.25
	574	0.10	717/1		0.05
	575	0.43	718		0.11
	576	0.06	719		0.12
	580	0.08	720		0.22
	581	0.08	123		0.39
	582	0.32	124		0.07
	586	0.06	126		0.08
	587	0.05	139		0.20
	588	0.04	165		0.35
बरखेड़ा	361	0.31	166		0.34
	363	0.13	172		0.32
	364	0.15	177		0.24
			286		0.24

(1)	(2)	(3)	(1)	(2)	(3)
	291	0.11		77/541	0.02
	293	0.02		88	0.37
	294	0.17		89	0.02
	304	0.40		93	0.06
	385	0.12		182	0.06
	386	0.06		183	0.23
	403	0.12		184	0.09
	404/1	0.34		185	0.06
	405	0.05		187	0.25
	406	0.25		189	0.08
	407	0.36		191	0.11
	453	0.35		224	0.36
	717/2	0.02		225	0.22
	717/5	0.10		717/7	0.02
	733	0.54	पाहलघाटी	105	0.04
	734	0.10		111/2	0.02
	735	0.21		114	0.20
	742	0.22		115	0.06
	743	0.20		116	0.27
	744	0.33		118/1	0.19
	748	0.34		122	0.21
	751	0.32		123	0.01
	752	0.25		125/2	0.42
	753	0.14		125/3	0.42
	754	0.03		126	0.01
	756/1			128/1	0.13
	756/2	0.18		129/1	0.30
	756/3			129/2	0.30
	757	0.02		130/2	0.26
	845	0.01		139/2	0.35
	847	0.05		141	0.07
	848	0.38		142/1	0.12
	849	0.06		143	0.06
	851	0.14		149/1	0.35
	852	0.12		149/2	0.35
नारदा	46	0.21		150	0.03
	49	0.02		194	0.34
	50	0.24		196	0.27
	59	0.05		201	1.11
	60	0.12		402	0.13
	61	0.06		403	0.27
	62	0.40		404	0.14
	64	0.05		408	0.29
	66	0.28		414	0.31
	67	0.14		415	0.18
	68	0.03			
	69	0.05			
	72	0.07			
	75	0.10			
	76	0.02			

[ सं. आर 31015/12/96 - ओआर. II ]  
के. सी. कटोच, अवर सचिव

New Delhi, 12th December, 1997

S.O 3139 .- Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No.S.O. 1674 dated 16th June, 1997, issued under sub-section (1) of section 3 of the petroleum and minerals Pipelines ( Acquisition of Rights of User in land ) Act, 1962 ( 50 of 1962 ), ( herein after referred to as the said Act ), published in the Gazette of India dated 5th July, 1997, on page nos.: 3264 to 3270, the Central Government declared its intention to acquire the right of user in the lands specified in Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum ( Crude oil ).

And whereas the copies of the said Gazette notification were made available to the public from 17th July 1997;

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has made his report to the Central Government.

And whereas, the central Government after considering the said report is satisfied that the right of User in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government declares that the right of user in lands specified in the Schedule appended to this notification are hereby acquired;

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said lands shall instead of vesting in the Central Government, vest free from all encumbrances, in Bharat Oman Refineries Ltd.

## SCHEDULE

Tehsil:Jhabua Dist.:Jhabua State:Madhya Pradesh

Name of village	Survey no.	Area Hectare / are	
(1)	(2)	(3)	
Rhimfaliya	2	0.15	
Kal	167	0.07	
Pitolkala			
	16	0.02	
	24	0.56	
	26	0.04	
	27	0.06	
	29	0.09	
	170	0.01	
	171	0.02	
	172	0.06	
	173	0.09	
	174	0.01	
	175	0.03	
	176	0.27	
	179	0.15	
	180	0.03	
	181	0.12	
	182	0.09	
	183	0.29	
	186	0.02	
	188	0.02	
	189	0.16	
	190	0.11	
	198	0.03	
	201	0.02	
	236	0.02	
	239	0.26	
	240	0.01	
	242	0.13	
	243	0.17	
	245	0.02	
Pitolkhurd			
	2	0.03	
	9	0.03	
	11	0.10	
	14	0.31	
	16	0.02	
	29	0.05	
	31	0.15	
	33	0.01	
	34	0.03	
Bawadibadi			
	1005	0.01	
	1006	0.22	
	1007	0.17	
	1013	0.01	
	1014	0.10	
	1015	0.01	
	1017	0.26	
	1018	0.18	

(1)	(2)	(3)	(1)	(2)	(3)
	1918	0.02		215	0.15
	1926	0.01		216/1	
	1927	0.08		216/2	
	1928	0.06		216/3	0.35
	1929	0.04		216/4	
	1930	0.13		216/5	
	1955	0.07		217	0.07
	1956	0.04		224	0.31
	1957	0.02		225	0.01
	1958	0.01		226	0.09
	1961	0.05		227	0.04
	1962	0.05		228	0.35
	1963	0.04		233	0.03
	1964	0.02		234	0.16
	1965	0.02		242	0.09
	1969	0.02		244	0.03
	1996	0.01		247	0.07
	1997	0.11		248	0.49
	1998	0.05		249	0.01
	1999	0.04		268	0.07
	2002	0.01		273	0.02
	2009	0.01		274	0.10
	2010	0.05		275	0.03
	2011	0.07		276	0.04
	2012	0.01		277	0.10
	2014	0.03		278	0.01
	2015	0.07		287	0.09
	2016	0.04		288	0.15
	2017	0.05		289	0.20
	2018	0.02		293	0.03
	2025	0.04		294	0.16
	2026	0.02		295	0.23
	2027	0.04		296	0.08
	2030	0.05		323	0.11
	2062	0.34		324	0.02
Khedi	112/1	0.13	Mod	97	0.23
	112/2			99	0.12
	113/1			100	0.02
	113/2	0.15		101	0.12
	113/3			102	0.01
	113/4			115	0.14
	114	0.08		116	0.06
	115/1			117	0.13
	115/2			118	0.05
	115/3			120	0.02
	115/4	0.15		128	0.04
	115/5			144	0.15
	115/6			151	0.54
	115/7			167	0.05
	201/1			241	0.05
	201/2	0.06		242	0.13
	201/3			297	0.08
	204/1	0.12		302	0.04
	204/2			341	0.06

(1)	(2)	(3)	(1)	(2)	(3)
	366	0.16		151	0.05
	367	0.03		152	0.34
	368	0.18		153	0.04
	369	0.04		155	0.17
	370	0.04		177	0.13
Masuriya	207	0.04		178	0.18
	208	0.01		181	0.08
	214	0.20		182	0.11
	215	0.20		183	0.05
	218	0.15		205	0.21
	219	0.18		206	0.27
	220	0.44		207	0.20
	237	0.01		208	0.10
	239	0.21		220	0.02
	240	0.05	Dhebar	428	0.02
	241	0.22		429	0.02
	243	0.14		430	0.03
	244	0.01		431	0.21
	363	0.02		432	0.02
	364	0.18		442	0.22
	365	0.25		443	0.11
	366	0.11		465	0.34
	368	0.03		469	0.40
	369	0.04		471	0.11
	374	0.36		472	0.22
	378	0.01		473	0.22
Gelarkala	33	0.05		474	0.20
	97	0.03		475	0.26
	158	0.15		540	0.09
	159	0.14		582	0.25
	160	0.02		583	0.04
	161	0.07		585	0.02
	174	0.03		588	0.02
	176	0.04		589	0.01
	179	0.27		590	0.02
	181	0.02		594	0.05
	207	0.28		614	0.26
	208	0.29		810	0.04
	216	0.09		811	0.05
	217	0.03		814	0.09
	218	0.03		815	0.19
Udeymal	21	0.45		816	0.08
	23	0.06		831/1	0.10
Narwalia	80	0.21		1268	0.12
	97	0.07		1269	0.09
	98	0.24		1270	0.26
	99	0.17		1281	0.09
	100	0.02		1286	0.19
	114	0.16		1290	0.04
	115	0.15		1291	0.23
	130	0.02		1343	1.11
	131	0.05		1360	0.01
	132	0.11		1372	0.02
	142	0.27		1374	0.32
	143	0.05		1407	0.21
	143/384	0.01		1408	0.01
	144	0.07		1409	0.22

<u>(1)</u>	<u>(2)</u>	<u>(3)</u>	<u>(1)</u>	<u>(2)</u>	<u>(3)</u>
	1410	0.20		582	0.32
	1411	0.08		586	0.06
	1415	0.04		587	0.05
Junwaniya	2	0.03		588	0.04
	3	0.09	Barkheda	361	0.31
	5	0.08		363	0.13
	6	0.01		364	0.15
	126/1			365	0.51
	126/2	0.03		371/1	0.37
	126/3			391	0.04
	127	0.30		449	0.03
	131	0.08		538	0.14
	132	0.10		539	0.14
	134	0.02		544/1	
Barod	506	0.07		544/2	0.28
	509	0.06		544/3	
	513	0.20		545	0.02
	514	0.42		546/1	
Kalyanpur	242	0.18		546/2	0.08
	243	0.01		546/3	
	244	0.22		546/4	
	245	0.26		560/1	0.06
	246	0.01		560/2	0.14
	267	0.16		560/3	0.02
	268	0.11		561/1	0.02
	269	0.12		566	0.21
	272	0.17		567/1	
	273	0.26		567/2	0.05
	275	0.01		567/3	
	551	0.11		567/4	
	721	0.29		587/1	0.01
	722	0.16		588	0.07
	723	0.03		605	0.04
	728	0.20		606/3	0.19
	729	0.12		606/4	
	732	0.01		608	0.08
	733	0.15		609	0.03
	734	0.03		615	0.09
	737/1	0.17		616	0.02
Bhamarda	737/2			619	0.39
	738	0.10		620	0.34
	553	0.03		624	0.01
	554	0.32		625	0.03
	556	0.01		631	0.29
	562	0.30		632	0.08
	563	0.04		633/2	0.35
	564	0.28		690	0.11
	565	0.04		691	0.25
	574	0.10		717/1	0.05
	575	0.43		718	0.11
	576	0.06	Mundot	719	0.12
	580	0.08		720	0.22
	581	0.08		123	0.39
				124	0.07
				126	0.08
				139	0.20

<u>(1)</u>	<u>(2)</u>	<u>(3)</u>	<u>(1)</u>	<u>(2)</u>	<u>(3)</u>
165	0.35		68	0.03	
166	0.34		69	0.05	
172	0.32		72	0.07	
177	0.24		75	0.10	
286	0.24		76	0.02	
291	0.11		77/541	0.02	
293	0.02		88	0.37	
294	0.17		89	0.02	
304	0.40		93	0.06	
385	0.12		182	0.06	
386	0.06		183	0.23	
403	0.12		184	0.09	
404/1	0.34		185	0.06	
405	0.05		187	0.25	
406	0.25		189	0.08	
407	0.36		191	0.11	
453	0.35		224	0.36	
717/2	0.02		225	0.22	
717/5	0.10		Padalghati	105	0.04
717/7	0.02			111/2	0.02
733	0.54			114	0.20
734	0.10			115	0.06
735	0.21			116	0.27
742	0.22			118/1	0.19
743	0.20			122	0.21
744	0.33			123	0.01
748	0.34			125/2	0.42
751	0.32			125/3	
752	0.25			126	0.01
753	0.14			128/1	0.13
754	0.03			129/1	0.30
756/1				129/2	
756/2	0.18			130/2	0.26
756/3				139/2	0.35
757	0.02			141	0.07
845	0.01			142/1	0.12
847	0.05			143	0.06
848	0.38			149/1	0.35
849	0.06			149/2	
851	0.14			150	0.03
852	0.12			194	0.34
Naranda	46	0.21		196	0.27
	49	0.02		201	1.11
	50	0.24		402	0.13
	59	0.05		403	0.27
	60	0.12		404	0.14
	61	0.06		408	0.29
	62	0.40		414	0.31
	64	0.05		415	0.18
	66	0.28			
	67	0.14			

[ No R 31015/12/96 -OR.II ]

K.C.Katoch, Under Secy

नई दिल्ली, 12 दिसम्बर, 1997

का.आ. 3140, केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन [ भूमि में उपयोग के अधिकार का अर्जन ] अधिनियम, 1962 [ 1962 का 50 ] [ जिसे इसके पश्चात् उक्त अधिनियम कहा गया है ] की धारा 3 की उपधारा [ 1 ] के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 983 तारीख 12-4-1997 और अधिसूचना का. आ. 2251 तारीख 13-9-1997 द्वारा भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड, मानुष, मुंबई की परिष्करणी से मोटर स्पिरीट, उच्चतर केरोसिन तेल और उच्चवेग डीजल का परिवहन मनमाड जिला - नासिक, महाराष्ट्र राज्य में करने के लिए भारंत पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पॉइपलाइन बिक्षाने के प्रयोजनार्थ उक्त अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकारों का अर्जन करने के अपने आशय की घोषणा की थी :

और उक्त राजपत्रित अधिसूचना और उसके शुद्धीपत्र की प्रतियाँ जनता को क्रमशः तारीख 15-9-1997 और 6-10-1997 को उपलब्ध करा दी गयी थी।

और उक्त अधिनियम की धारा 6 की उपधारा [ 1 ] अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा [ 1 ] द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने की घोषणा करती है।

यह और कि, केन्द्रीय सरकार उक्त धारा की उपधारा [ 4 ] द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है की उक्त भूमि में उपयोग के अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाय सभी विल्लंगमो से मुक्त भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

## अनुसूची

तहसील : सिन्नर, जिला : नासिक, राज्य : महाराष्ट्र

## सर्वेक्षण संख्या /

ग्राम का नाम	गट नं.	भूमि में उपयोग के अधिकार का अर्जन क्षेत्र		
		हेक्टेयर	आर	वर्ग मीटर

1	2	3	4	5
मापारवाडी	13/1	0	71	00
	14	0	03	00
	22	0	29	00
	23/2	0	25	00
	23/5	0	40	00
सिन्नर	896 (21)A+B/1	0	18	00
	896 (21)A+B/2	0	95	00
	936 (1200)/1	0	85	00
	938/1	0	14	00
	938/2	0	14	00
	938/3	0	18	00
	938/4	0	55	00
	939(1202)/1	0	42	00
	939(1202)/2	0	38	00
	940(1203)/2/C	0	27	00
	943(1206)/2	0	42	00
	943(1206)/3	0	05	00
	959	0	23	00

(फाइल संख्या : आर - 31015/4/93 औ आर - II )

के.सी. कटोच, अवर सचिव

New Delhi, the 12th December, 1997

S.O. 3140. Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 983, dated the 12th April, 1997 and its corrigendum number S.O. 2251, dated 13th September, 1997 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the Right of User in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of Motor Spirit, Superior Kerosene Oil and High Speed Diesel from Refinery of Bharat Petroleum Corporation Limited, Mahul (Mumbra) to Manmad (District Nasik) in the State of Maharashtra, by Bharat Petroleum Corporation Limited;

And whereas, copies of the said gazette notification and its corrigendum were made available to the public on 15.9.97 and 6.10.97 respectively;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And, further, whereas, the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines;

And, further, in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on this date of the publication of this declaration in the Bharat Petroleum Corporation Limited, free from all encumbrances.

**Schedule****Tahsil: Sinnar****District: Nasik****State: Maharashtra****Name of village****Survey No/ Gat. No****Area under ROU****Maparwadi**

13/1

**Hectars      Are      Centi Are****(1)****(2)****(3)****(4)****(5)****Sinnar**

896 (21) A+B/1

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22

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29

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23/2

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25

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23/5

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40

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896 (21) A+B/2

0

18

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936 (1200)/1

0

95

00

938/1

0

85

00

938/2

0

14

00

938/3

0

14

00

938/4

0

18

00

939 (1202)/1

0

55

00

939 (1202)/2

0

42

00

940 (1203)/2/C

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38

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941 (1206)/2

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943 (1206)/3

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## अम भवालय

नई दिल्ली, 20 नवम्बर, 1997

फा. आ. 3141.—ओटोर्गक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ने द्वारा नई दिल्ली के प्रबन्धतान्त्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओटोर्गक विवाद में केन्द्रीय सरकार औटोर्गक अधिकरण, कन लेबर कोर्ट, जबलपुर (एम. पी.) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-97 को प्राप्त हुआ था।

[संख्या एन—41012/65/91—आई. आर. (डी. यू.)/बी-1]  
सनातन, डैस्क अधिकारी

## MINISTRY OF LABOUR

New Delhi, the 20th November, 1997

S.O. 3141.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Cum-Labour Court, Jabalpur (M. P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Railway Board, New Delhi, and their workman, which was received by the Central Government on 19-11-1997.

[No. L-41012/65/91-IR (DU)]  
SANATAN, Desk Officer

अनुबंध

केन्द्रीय अम औटोर्गक अधिकरण एवं अम न्यायालय  
जबलपुर (म. प्र.)

डी. एन. दीक्षित  
पीटीसीन अधिकारी

प्र. क. सीजीमाईटी/एलसी/आर) (55)/92

श्री के. डी. पाण्डे,  
एक्स टीटीई, सेन्ट्रल रेलवे,  
कट्टनी जिला जबलपुर (म. प्र.) प्रार्थी  
वि.

यूनियन ऑफ इंडिया

मार्फत : सचिव,  
रेलवे बोर्ड, नई दिल्ली। प्रतिप्रार्थी

अवार्ड

(दिनांकित : 22-9-1997)

1. भारत सरकार, भा. मंज़ालय, नई दिल्ली ने अपने आदेश संख्या : एन—41012/65/91—आई. आर. (डी. यू.) दिनांकित शून्य के द्वारा निर्मालित विवाद निराकरण हेतु इन न्यायालय को भेजा है:—

अनुसूची

“या प्रबन्धतान्त्र रेलवे बोर्ड, नई दिल्ली के प्रबन्धकों द्वारा श्री के. डी. पाण्डे, एक्स-टीटीई की सेवाएं दिनांक 30-9-88 से समाप्त किये जाने का कार्यालय है तथा योग्यता नहीं तो संबंधित कर्मकार किस अनुतोष का हकदार है।”

2. दोनों पक्षों को स्वीकार है कि ग्रार्थी श्री के. डी. पाण्डे मध्य रेलवे, कट्टनी स्टेशन में टीटीई के पद पर दिनांक 21-6-82 से कार्यरत थे। इस दिनांक को ये इलाहाबाद से कट्टनी, हावड़ा-नंदेश्वर मेल से आये थे और यो टायर फोच में यात्रियों को व्यवरित करने का काम था। कट्टनी रेलवे स्टेशन में इंस्पेक्टर श्री मोहम्मद असगर सिद्दूकी तथा श्री रामायण राय इंस्पेक्टर ने इस यो टायर छिप्पे के यात्रियों और आर्ट का निरीक्षण किया और यह पाया कि श्रमिक ने 15 सौटे यात्रियों को दी थी और इसमें एक भी यात्री आरएसी वर्ग का या प्रतिधारत सूची का नहीं था। श्रमिक के विरुद्ध विभागीय जांच पहले दिनांक 21-12-83 को आर्देशित हुई, यह जांच श्री बी०के० कामत, इन्वेस्टिगेशन अफिलर ने की और इन्होंने अपनी रिपोर्ट दिनांक 30-10-84 के द्वारा श्रमिक श्री केंडी०पाण्डे को निर्दोष पाया। जनरल मैनेजर, मध्य रेलवे, बम्बई ने अपने आदेश दिनांक 20-2-85 के द्वारा श्रमिक के निर्दोष होने की पुष्टि की। पत्त दिनांक 6-6-86 के द्वारा रेलवे बोर्ड के इन्स्पेक्टर इन्वेस्टिगेटर ने जनरल मैनेजर, मध्य रेलवे को सूचित किया कि रुल 25 आरएस डी एंड ए नियमों के द्वारा रेलवे बोर्ड ने रिवीजन में श्रमिक के विरुद्ध निर्दोष होने की विभागीय जांच का परीक्षण किया और रेलवे बोर्ड का यह निर्दर्शन है कि जो साध्य इस विभागीय जांच में आया है, उसमें श्रमिक के विरुद्ध कदाचार मिल होता है। इस आदेश के द्वारा रेलवे बोर्ड ने श्रमिक के विरुद्ध इन्वेस्टिगेशन के आदेश दिए। दूसरी विभागीय जांच में श्री जे०एन० हजारी परिष्कर्म रेलवे, के अधिकारी को जांच अधिकारी बनाया गया। इन्होंने श्रमिक के विरुद्ध जांच की और अपनी जांच रिपोर्ट दिनांक 17-9-87 में यह पाया कि श्रमिक श्री पाण्डे के विरुद्ध जो आरोप लगाए गए थे, वे सिद्ध होने हैं श्री हजारी की रिपोर्ट पर श्रमिक की सेवामुक्त किया।

3. श्रमिक के अनुसार पहली विभागीय जांच में उसके विरुद्ध 6 आरोप लगाए गए थे। इन आरोपों पर जांचकर्ता अधिकारी श्री कामत ने प्रतिप्रार्थी द्वारा प्रस्तुत सभी गवाहों के कथन लिए और इसके द्वारा प्रस्तुत लेखों पर विचार किया। दोनों पक्षों द्वारा प्रस्तुत साक्ष्य के आधार पर श्रमिक को दोषमुक्त किया गया। इस निर्दर्शन की पुष्टि जनरल मैनेजर, मध्य रेलवे, बम्बई ने भी की। इसके पश्चात् रेलवे बोर्ड ने नियम 25 आरएस डी एंड ए के अनुसार यह पाया कि जो साध्य श्रमिक के विरुद्ध श्री कामत के सामने प्रस्तुत की गई है, उसमें से ही श्रमिक के विरुद्ध दोष सिद्ध होने

का निष्कर्ष निकलता है इस आधार पर रेलवे बोर्ड ने दूसरी जांच श्री हजारी से कराई और श्री हजारी ने श्रमिक को दोषी पाया। पहली जांच 6 आरोप श्रमिक पर लगाए गए थे। दूसरी जांच में इन आरोपोंमें से आरोप 3 सांकेतिक और बार को छोड़कर बाकी आरोप क्रमांक-2, 3, 5 और 6 पुनः श्रमिक के विश्वाय लगाए गए और जो पहली इन्वेष्यरी के गवाह थे, उनको दूसरी बार कथन लेख किया और जो लेख प्रतिप्रार्थीने पहली जांच में प्रस्तुत किए थे, उन्हीं पर विचार कर श्रमिक को दोषी पाया गया। ऐसी स्थिति में दूसरी जांच नियम और कानून के विपरीत है तथा दूसरी जांच के आधार पर श्रमिक को सेवानियन्त्रित नहीं किया जा सकता।

4. प्रतिप्रार्थी रेलवे बोर्ड के अनुसार दूसरी जांच विधिवत है और नियम 25 आरएस डी एंड ए के अनुभार है। प्रथम जांच में श्रमिक को नियमों के विपरीत सहायता दी गई है ऐसी स्थिति में दूसरी विभागीय जांच विधिवत है और नियम और कानून के अनुसार है।

5. विभागीय जांच विधिवत है या नहीं इस विद्यु पर दोनों पक्षों के तर्क सुने गए हैं। रेलवे बोर्ड ने अपने पक्ष दिनांक 6-6-86 में यह उल्लेख किया है कि नियम 25 आरएस डी एंड ए रूल्स के अनुसार रिवीजन रेलवे बोर्ड स्वयं परीक्षण के बावजूद स्वीकार कर रहे हैं; कारण यह किया गया है कि पक्ष के साथ जो अनुसन्धन (एनेक्जर) संलग्न है, उसमें यह उल्लेख है कि किस आधार पर प्रथम जांच के लेखों का दूसरा निष्कर्ष निकलता है। ये अनुसन्धन (एनेक्जर) इस प्रकरण में प्रस्तुत नहीं किया गया है। ऐसी स्थिति में यह ज्ञात नहीं होता है कि वे क्या आधार थे, जिन पर दूसरी जांच श्रमिक के विरुद्ध कराई गई।

6. दूसरी जांच में पहली जांच का आरोप क्रमांक-1 और 4 को रेलवे बोर्ड ने भी वापस ले लिया। दूसरी जांच में बाकी आरोप वही हैं, जो पहली जांच में थे। गवाह भी प्रथम जांच में के ही हैं, वे ही दूसरी जांच में हैं। नियम और प्रक्रिया भी एक समान है। रेलवे बोर्ड ने यह नहीं कहा कि प्रथम जांच में भी कानून ने जो प्रक्रिया अपनाई थी, उसमें कोई दोष था। उक्ता मात्र यह कहना है कि जो कथन प्रथम जांच में गवाहों ने दिये थे, उन्हीं के आधार पर और दूसरा निष्कर्ष निकाला जा सकता है। इस निष्कर्ष के बाद दूसरी जांच में नए सिरे से पहली जांच के गवाहों के कथन लिखे गए और इनके आधार पर निष्कर्ष निकाला गया। नियम 25 आरएस डी एंड ए रूल्स, 1968 में यह प्रावधान है कि रेलवे बोर्ड विभागीय जांच की पुष्टि या संणोधन या निरस्त करने में सक्षम है। यह भी प्रावधान है कि रेलवे बोर्ड विभागीय जांच करने वाले अधिकारी को या किसी अन्य अधिकारी को जांच रिपोर्ट भेजकर इस जांच में और परीक्षण करवा सकते हैं। प्रथम जांच में श्रमिक के विरुद्ध चार्जिंगट वापस ले ली गई। ऐसी स्थिति में जांच के लिए कुछ बचा ही नहीं। वर्तमान प्रकरण में दूसरी इन्वेष्यरी वर इन्वेष्यरी नहीं है, बल्कि नये सिरे से को गई इन्वेष्यरी है।

7. माननीय राजस्वालय उच्चतम न्यायालय ने द्वारकाचत्व वि. राज्य शासन, एआईआर-1958-राज., 38 के निर्णय में यह न्याय मिद्दान्त प्रतिपादित किया है कि जहां पर विभागीय जांच हो गई और कन्चारी को दोषमुक्त पाया गया है, वहां पर उन्हीं तथ्यों में दूसरी विभागीय जांच नहीं हो सकती।

8. माननीय इलाहाबाद उच्च न्यायालय ने हरबंश लाल आरोप वि. डिवीजनल रेलवे सुप्रीनेंडेंट, जांसी के प्रकरण में जो एआईआर-1960, पृष्ठ-164 में मुद्रित है, यह न्याय सिद्धान्त प्रतिपादित किया है कि रेलवे बोर्ड या अन्य अधिकारी विभागीय जांच के आदेश का पुनः फिरीक्षण उसी हालत में कर सकते हैं, जब नए तथ्य प्रकाश में आये। वर्तमान प्रकरण में श्रमिक के विरुद्ध जो दूसरी विभागीय जांच हुई, उसमें कोई नये तथ्य प्रस्तुत नहीं किए हैं।

9. माननीय उच्चतम न्यायालय ने के. आर. देव वि. कलेक्टर, सेन्ट्रल एक्साइज, गिलांग के निर्णय में जो सुप्रीम कोर्ट केस-1971 (2), पृष्ठ-102, में मुद्रित है, यह निधारित किया है कि जब पहली जांच में कोई गंभीर दोष है और किसी गवाह का परीक्षण नहीं हुआ है, तब इनका परीक्षण किया जा सकता है। इसका निष्कर्ष यह नहीं है कि पूरी विभागीय जांच निरस्त कर दें। अगर वरिष्ठ अधिकारी को यह लगता भी है कि जांच अधिकारी ने ठीक जांच नहीं की, किन्तु इसका कोई आधार नहीं है, तो जांच निरस्त नहीं हो सकती।

10. ऐसा प्रतीत होता है कि रेलवे बोर्ड ने श्रमिक को निकालने का भन बना लिया था और इसीलिए दूसरी विभागीय जांच को स्तोकार करके श्रमिक को सेवामुक्त किया गया।

11. ऊपर लिखी विवेकना का यह निकार है कि प्रतिप्रार्थी यह नहीं बता पाए कि प्रथम विभागीय जांच में क्या दोष था और किस कारण इसे निरस्त करना पड़ा। दूसरी विभागीय जांच में न तो कोई नए गवाहों का परीक्षण किया गया तथा नए लेखों का भी परीक्षण नहीं हुआ। मात्र पुराने मौखिक और लिखित साक्ष्य, जो दूसरी बार लिखे गए थे, को विवेचना के पश्चात् निष्कर्ष निकाला गया। दूसरी विभागीय जांच अवैधानिक और नियमों के विपरीत है।

12. ऊपर लिखी विवेकना का निष्कर्ष यह है कि श्रमिक श्री के. डी. पाण्डे की सेवामुक्ति दिनांकित 28-9-0-88 से अवैधानिक है तथा यह घोषित किया जाता है कि वे संगतार अपने पद पर काम करने रहे। नियमों के अनुसार श्रमिक को बेतन और भत्ते का भुगतान होगा। दोनों पक्ष इस प्रकरण का अपना-अपना व्यय बहन करें।

13. भारत सरकार, श्रम मंत्रालय को मिशनानुसार अवार्ड की प्रतियां प्रेषित की जाती हैं।  
दिनांक 22-9-1997 डी. एन. वीक्षित, वीठासीन अधिकारी

नई दिल्ली, 21 नवम्बर, 1997

का. आ. 3142:—ओशोगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया, हैदराबाद के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओशोगिक विवाद में ओशोगिक अधिकरण, I, हैदराबाद के पंचपट को प्रकाशित करते हैं, जो केन्द्रीय सरकार को 19-11-97 को प्राप्त हुआ था।

[संख्या एल-12011/32/87-आई.आर. (बी.आर.)]  
सनातन, डैस्क अधिकारी

New Delhi, the 21st November, 1997

S.O. 3142.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, I, Hyderabad as shown in the Annexure, in the industrial dispute between the employer's in relation to the management of State Bank of India, Hyderabad and their workman, which was received by the Central Government on 19-11-1997.

[No. L-12011/32/87-IR (B.I.)]  
SANATAN, Desk Officer

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I  
AT HYDERABAD

## PRESENT :

Sri V. V. Raghavan, B.A.LL.B.,

Industrial Tribunal-I.

Dated : 13th day of October, 1997

Industrial Dispute No. 53 of 1997

## BETWEEN :

M/s. State Bank Employees' Union,  
G. No. 466, rep. by Joint Secretary,  
Sri C.B.S.P. Raman, Vijayawada.

Petitioner.

## AND

The Chief General Manager,  
State Bank of India, Local Head Officer,  
Bank Street,  
Hyderabad.

Respondent

## APPEARANCES :

None for the Petitioner.  
Sri B. G. Ravinder Reddy,  
Advocate for the Respondent.

## AWARD

The Government of India, Ministry of Labour, New Delhi by its Order No. L-12011/32/87-IR(B.I.) dated 13-8-97 referred the following dispute under Section 10(1(d) and the Industrial Disputes Act, 1947 for adjudication.

“Whether the delay in raising the dispute by the Union in respect of the workman as per list enclosed is legal and justified. If so, whether the action of the Management of SBI, Vijayawada in terminating the services of 72(71) workmen as per list enclosed is legal and justified.

If not, to what relief the concerned workman are entitled?".

2. After receipt of the said reference, his Tribunal issued a notice to both the parties. Both the parties received the same. On 13th October, 1997, when the matter was called, neither the Joint Secretary nor the workman appeared before this Tribunal it is understood that the petitioner is not interested to prosecute the matter. Hence, the I.D. is closed.

Given under my hand and the seal of this Tribunal on this the 13th day of October, 1997.

No oral or documentary evidence is adduced by both the parties.

V. V. RAGHAVAN, Industrial Tribunal-I.

नई दिल्ली, 21 नवम्बर, 1997

का. आ. 3143.—ओशोगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुवरण में, केन्द्रीय सरकार भोपाल श्रेणीय आमिण बैंक, (एम. पी.) के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओशोगिक विवाद में केन्द्रीय सरकार ओशोगिक अधिकरण, कम सेवर कोट्ट, जबलपुर (एम. पी.) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-97 को प्राप्त हुआ था।

[संख्या एल-12012/208/94-आई.आर. (बी. 3)/बी. 1]  
सनातन, डैस्क अधिकारी

New Delhi, the 21st November, 1997

S.O. 3143.—In pursuance of Section 17 of the Industrial Disputes, Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-Cum-Labour Court, Jabalpur (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhopal Kshetriya Gramin Bank, M. P. and their workman, which was received by the Central Government on 19-11-1997.

[No. L-12012/208/91-IR(B.3)[B.I.]  
SANATAN, Desk Officer

अनुबन्ध

केन्द्रीय श्रम औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर  
(म.प्र.)

डी.एन. दीक्षित

पीठासीन अधिकारी

प्र.क्र. सीजीआईटी/एलसी (आर) (148)/91

श्री सुरेशचन्द्र श्रीवास्तव आत्मज

श्रीरामगोपाल श्रीवास्तव, आयु 27 वर्ष

द्वारा :—जीवनलाल श्रीवास्तव,

हेमसिंह की परेड, करवारी का मोहल्ला,

लश्कर, ग्रामलियर म.प्र.। . . प्रार्थी

वि.

वी विदिशा-भोपाल क्षेत्रीय ग्रामीण बैंक,

द्वारा :—चेमरमेन

खेती काटक रोड, विदिशा (म.प्र.) . . . प्रतिपार्थी

अवार्ड

दिनांकित 23/09/1997

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने अधिकारी संख्या : एल-12012/208/91—ग्राई आर (बी-3) दिनांक 16-8-88 के द्वारा निम्नलिखित विवाद न्यायनिर्णयन हेतु इस अधिकरण को प्रेषित किया गया :—

अनुरूपी

SCHEDULE

“Whether the action of the management of Vidisha Bhopal Kshetriya Gramin Bank, Vidisha, in terminating the services of Shri Suresh Chandra Shrivastava, Peon, w.e.f. 4-10-88 was justified? If not to what relief the workman is entitled to?”

2. दोनों पक्षों को स्वीकार है कि श्रमिक मुरेशचन्द्र श्रीवास्तव विदिशा-भोपाल क्षेत्रीय ग्रामीण बैंक की न्यायरा शाखा में दिनांक 18-11-87 से दैनिक बेतन भोगी पचरासी के पद पर कार्यरत थे। प्रतिप्रार्थी बैंक ने इनकी सेवाएं सितम्बर/अक्टूबर, 1988 से समाप्त की

3. श्रमिक के अनुसार उसकी सेवा प्रतिप्रार्थी बैंक ने बिना किसी कारण के, तथा जांच के समाप्त कर दी। श्रमिक को सेवासमाप्ति होने पर उसने मुश्किल भी नहीं दिया गया। श्रमिक ने नवम्बर, 87 रो प्रकूबर, 88 तक 259 दिन काम किया है। पारा 25-बी औद्योगिक विवाद अधिनियम, 1947 के अन्तर्गत वह बैंक का स्थार्थ कर्मचारी हो गया। उसके विरुद्ध सेवा समाप्ति से पहले कोई विभागीय जांच नहीं हुई और सेवा समाप्ति का नोटिस भी नहीं दिया गया। श्रमिक को छठनी मुश्किल भी नहीं दिया गया। श्रमिक ने सेवा समाप्ति होने पर बैंक के अध्यक्ष को नोटिस दिया, किन्तु इसका कोई उत्तर नहीं मिला। इसके पश्चात श्रमिक ने सहायक श्रमायुक्त (केन्द्रीय) भोपाल को निराकरण हेतु विवाद प्रस्तुत किया। इस विवाद में प्रगति धीमी थी, इस कारण श्रमिक के मध्य प्रदेश उच्च न्यायालय की खाइपीठ ग्रामलियर में याचिका प्रस्तुत की, जिसमें यह निर्देश सहायक श्रमायुक्त (केन्द्रीय), भोपाल को दिये गये कि वे श्रमिक के विवाद में मध्यस्थित करें। श्रमिक चाहता है कि उसे पुनः पुराने पद पर लिया जाये तथा निकाले जाने की तिथि से पुनः कार्य पर लिये जाने की तिथि तक बेतन एवं भत्ते दिए जाए।

4. प्रतिप्रार्थी बैंक का कथन यह है कि श्रमिक को अंशकालिक नैमित्तिक श्रमिक के रूप में निश्चित अवधि के लिये नियुक्त किया गया था। श्रमिक दिनांक 17-9-1988 रो अनुपस्थित हो गया और उसे नोटिस दिया गया। श्रमिक उपस्थित हुआ, किन्तु दिनांक 30-9-88 से श्रमिक बिना प्रतिप्रार्थी को सूचना दिए अनुपस्थित हो गया। प्रतिप्रार्थी ने इस बात से स्पष्ट शब्दों में इकार किया। श्रमिक ने 259 दिन एक वर्ष में बैंक में काम किया। प्रतिप्रार्थी के अनुसार श्रमिक को नौकरी और बेतन भत्ते की पात्रता नहीं है। श्रमिक ने भूठा स्टिकिंग दिया है कि वह ग्राम-न्यायरा का निवासी है। प्रतिप्रार्थी के नियमों के अनुसार दैनिक बेतन नैमित्तिक श्रमिक को जहां पर बैंक की शाखा में आवश्यकता होती है, वहीं का निवासी होना अनिवार्य है। इस प्रकार श्रमिक ने बैंक को गलत तथ्य बताए तथा उसे सेवा में रखा गया। प्रतिप्रार्थी बैंक यह चाहता है कि श्रमिक का विवाद व्यवस्था सहित निरस्त किया जाए।

5. श्रमिक को जो नियुक्ति पत्र दिया गया, वह रिकाई पर है। इसमें यह उल्लेख है कि उसे लायरा शाखा में अस्थाई चपरासी के पद पर 90 दिन के निए रुपये-16.00 प्रतिदिन के हिसाब से दिनांक 18-11-84 से नियुक्त किया जाता है। इसके बाद श्रमिक ने मूल निवासी प्रमाण-पत्र दिनांक 8-2-87 प्राप्त किया और बैंक में प्रस्तुत किया। श्रमिक को इसके पहले ही प्रतिप्रार्थी बैंक ने नियुक्ति दे दी थी। ऐसी स्थिति में वह ग्राम-न्यायरा में रह रहा था और मूल निवासी प्रमाण-पत्र में कोई बात छूटी था गलत नहीं है।

6. दूसरी बात यह है कि अगर श्रमिक ने भूठा प्रमाण-पत्र देने का कदाचार किया था, तो उसके विरुद्ध विभागीय जांच होनी थी। बिना जांच के श्रमिक को सेवा

से पृथक् नहीं किया जा सकता। माननीय उच्चतम न्यायालय ने जो न्याय सिद्धान्त नेपालसिंह वि. उत्तर प्रदेश शासन (ए. आई. आर.---1985 ---एरासी---84) में प्रतिपादित किए हैं, उसके प्रकाश में अस्थाई कर्मचारियों की सेवा समाप्ति के लिए भी विभागीय जांच आवश्यक है। कदाचार के शारोप में जांच आवश्यक है।

7. श्रमिक ने अपने दावे में पैरा-6 में यह बतलाया है कि किस प्रकार नवम्बर, 87 से अक्टूबर, 88 तक उसने 259 दिन कार्य किया है। श्रमिक ने यही बात अपने शास्थ-पत्र दिनांक 5-6-1995 में कही है। यहीं बात श्रमिक ने प्रतिप्रार्थी बैंक के लेयरमैन को अपने नोटिस दिनांकित 14-10-1988 में कही है। प्रतिप्रार्थी बैंक के पास इस बात का रिकार्ड है कि कितने दिनों का वेतन का भुगतान श्रमिक को किया गया, इसका उल्लेख बैंक के 4-5 लेखों में होगा बैंक ने कोई लेख इस प्रकरण में प्रस्तुत नहीं किए, जो बताते कि कितने दिन तक श्रमिक ने नवम्बर, 1987 से अक्टूबर, 1988 तक कार्य किया है। बैंक ने श्रमिक को पत्र दिनांकित 23-9-1988 को भेजा है, इसमें यह उल्लेख है कि श्रमिक की अनुपस्थिति के कारण शाखा का कार्य सुचारू रूप से संचालित करने के लिए श्री रामस्वरूप विश्वकर्मा को दैनिक मजदूरी पर रख लिया है। यह सिख हो गया कि जिस पद पर श्रमिक कार्यरत था उसकी आवश्यकता बैंक को श्रमिक के नौकरी छोड़ने पर भी है श्रमिक को अस्थाई चपरासी के पद पर नियुक्त किया गया था। यह पद ऐसा नहीं है, जो तीन माह में समाप्त किया जा सके। श्रमिक के स्थान पर दूसरे व्यक्ति को नियुक्त किया गया। प्रतिप्रार्थी बैंक अनुचित श्रम नीति चला रही है और इसके अन्तर्गत अस्थाई पद पर भी दैनिक वेतन भोगी कर्मचारी को रखा जाता है। प्रतिप्रार्थी बैंक का यह कहना गलत है कि उन्होंने केवल तीन माह के लिए श्रमिक को नौकरी पर रखा था। स्वयं प्रतिप्रार्थी बैंक के अनुसार श्रमिक से उन्होंने 30-9-88 तक कार्य लिया। पद का स्वरूप अस्थाई था, इस संबंध में कोई लेख प्रतिप्रार्थी बैंक ने प्रस्तुत नहीं किया। श्रमिक ने सेवा समाप्ति के पश्चात तुरन्त अपने अधिभाषक के माध्यम से दि. 14-10-88 को नोटिस दिया, जिसमें यह उल्लेख है कि उसने बैंक में एक वर्ष के भीतर 259 दिन काम किया।

8. जो परिस्थितियां प्रार्थी ने इस न्यायालय में रखी और जो परिस्थितियां और लेख प्रतिप्रार्थी ने इस न्यायालय में नहीं रखी, उनसे वह सिद्ध हो जाता है कि श्रमिक ने नवम्बर, 87 से अक्टूबर, 88 तक 259 दिन काम किया। इस प्रकार धारा---25 वी औद्योगिक विवाद अधिनियम के अन्तर्गत वह नियमित श्रमिक हो गया। श्रमिक को बिना नोटिस दिए और बिना जांच के सेवा से पृथक् किया गया है तथा उसे छंटनी सुमावजा का लाभ नहीं दिया गया है, ऐसी स्थिति में मैं यह पाता हूं कि श्रमिक की सेवामुक्ति अवैध और नियमों के विपरीत है।

9. श्रमिक का बाद स्वीकार किया जाता है और यह घोषणा की जाती है कि वह अभी भी प्रतिप्रार्थी बैंक की लायरा शाखा में कार्यरत है। श्रमिक श्री सुरेशचंद्र श्रीवास्तव को दिनांक 1-10-88 से अभी तक वेतन और भत्ता पाने की प्रवत्ता है, इसी अनुसार उसे भुगतान किया जाए।

10. अवार्ड की प्रतियां नियमानुसार भारत सरकार, श्रम मंत्रालय को प्रवित की जाती है।

डी. एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 21 नवम्बर, 1997

का. आ. 3144:—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयर इंडिया लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण एयर इंडिया लि. के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-97 को प्राप्त हुआ था।

[सं. एल.-20030/16/95-आई आर (सी-1)]  
सनातन, डेस्क अधिकारी

New Delhi, the 21st November, 1997

S.O. 3144.—In pursuance of Section 17 of the Industrial Disputes, Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure; in the industrial dispute between the employers in relation to the management of Air India Ltd., and their workman, which was received by the Central Government on 19-11-1997.

[No. L-20030/16/95-IR(C-I)]  
SANATAN, Desk Officer

## ANNEXURE

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, AT CALCUTTA

Reference No. 38 of 1996.

## PARTIES

Employers in relation to the management of Air India Limited.

AND

Their workmen

PRESENT :

Mr. Justice A. K. Chakravarty,  
Presiding Officer.

APPEARANCE :

On behalf of Management : None.

On behalf of Workmen : None.

State : West Bengal. Industry : Civil  
Aviation.

## AWARD

By Order No. L-20030/16/95-JR(Coal-I) dated 28-11-1996 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:—

“Whether the action of the management of Air India Ltd. in withdrawing promotion of Sh. A. A. Ghosh and Sh. C. C. Mukherjee from Chief Traffic Asstt. in the Commercial Department to the post of Senior Traffic Assistant w.e.f. 1-1-1990 and denying the payment of monetary compensation to them is justified? If not, to what relief are these two workmen entitled?”.

2. When the case is called out today, none of the parties appear. This is the second consecutive day on which none of the parties appear, nor did they take any step in the matter. It is accordingly clear that the parties are no longer interested in the matter.

3. In the aforesaid circumstances, in the absence of any material on record for any decision of the issue under reference, this Tribunal has no other alternative but to pass a “No Dispute” Award in this case.

4. A “No Dispute” Award is accordingly passed and the reference is disposed of.

This is my Award.

Dated, Calcutta,  
The 6th November, 1997.

A. K. CHAKRAVARTY, Presiding Officer

नई दिल्ली, 21 नवम्बर, 1997

का. धा. 3145:—श्रीदोगिक विवाद प्रधिनियम, 1947 ( 1947 का 14 ) की धारा 17 के अनुसारण में केन्द्रीय सरकार मध्य रेलवे, जबलपुर के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीदोगिक विवाद में केन्द्रीय सरकार श्रीदोगिक प्रधिकरण, कम लेबर कोर्ट, जबलपुर ( एम. पी. ) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-97 को प्राप्त हुआ था।

[संख्या एल-41012/28/88-8 डी-2-बी]  
सनातन, डैस्क प्रधिकारी

New Delhi, the 21st November, 1997

S.O. 3145.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway, Jabalpur, (M.P.) and their workman, which was received by the Central Government on the 19-11-1997.

[No. L-41012/28/88-8 D-2-B]  
SANATAN, Desk Officer.

प्राप्तुं द्वय

केन्द्रीय श्रम श्रीदोगिक प्रधिकरण एवं श्रम न्यायालय, जबलपुर  
म. प्र.

डी. एन. दीक्षित

पीठासीन प्रधिकारी

प्र. के. सीजीआईटी/ एलसी/ श्रार 229/89  
श्री जयमंगल पाण्डे आरभज  
श्री रामदयाल पाण्डे, आयू 52 वर्ष,  
पार्क : श्री हृदयनंद श्रोता,  
चुपका नाई का मकान, जवाहरनगर,  
सतना म. प्र.

प्राप्ती

वि.

मंडल रेल प्रबन्धक,  
मध्य रेलवे, जबलपुर म. प्र.

प्रतिप्राप्ती

श्वार्ड

दिनांकित : 24-09-1997

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने  
प्रादेश सं. एल-41012/28/88-8 डी-2-बी  
दिनांकित 2-11-89 के बारा निम्नलिखित विवाद स्थाय-  
निर्णयन हेतु इस स्थायाधिकरण को प्रेषित किया है:—

## अनुसूची

“क्या सेन्ट्रल रेलवे, जबलपुर म. प्र. के प्रबंधकों द्वारा श्री जयमंगल पाण्डे, एक्स-फिटर मेंड-जी को आदेश दिनांक 14-5-85 द्वारा सेवा से अनिवार्य निवृत्ति किए जाकर नौकरी से हटाए जाने की कार्यवाही न्योपाचित है। यदि नहीं तो संबंधित कर्मकार किस अनुतोष का हकदार है।”

2. दोनों पक्षों को स्वीकार है कि श्रमिक श्री जयमंगल पाण्डे दिनांक 5-9-84 को लोको एड, सतना में फिटर के पद पर कार्यरत था। इस दिनांक को उसके विशद श्री गंगाधर सप्रे, चार्जमैन ने रिपोर्ट श्री श्री श्रमिक के विशद विभागीय जांच हुई। इस विभागीय जांच में ये आरोप थे कि श्रमिक ने श्री सप्रे को गलियां दी और शारीरिक चोट पहुंचाने का प्रयास किया। इस विभागीय जांच में श्रमिक दोषी पाया गया और उसे एसकेआर के पद पर पदावनति की गई और दो वार्षिक बेतन वृद्धियां रोकी। मंडल रेल प्रबंधक, सध्य रेलवे, जबलपुर से श्रमिक को दिनांक 8-5-85 को नोटिस दिया कि इस सजा में वृद्धि करना प्रस्तावित है और श्रमिक को जो भी आपत्ति हो, वह प्रस्तुत की जाए। दिनांक 14-5-85 को श्रमिक को मेवानिवृत्ति किया गया।

3. श्रमिक के अनुसार जब से एक बार फिटर से पदावनति पर एसकेआर बना दिया गया था तो उसी विभागीय जांच में दूसरा दण्ड सेवानिवृत्ति का महीं दिया जा सकता। श्रमिक की सेवा निवृत्ति विधान के विपरीत है। मंडल रेलवे प्रबंधक का सेवानिवृत्ति का आदेश इस कारण प्रभावशून्य है। श्रमिक चाहता है कि सेवानिवृत्ति का आदेश दिनांकित 14-5-85 निरस्त किया जाए और जिस आदेश से उसे पदावनति किया गया था, उस आदेश (दिनांक 19-12-84) को भी भी निरस्त किया जाए। श्रमिक को पुणः फिटर में नियुक्त किया जाए तथा उसे दिनांक 14-5-85 से इस पद का बेतन और भने दिलाए जाएं।

4. प्रतिप्रार्थी रेलवे द्वारा अपने कथन में कहा गया कि विभागीय जांच में जो दण्ड श्रमिक को पदावनति और दो वार्षिक बेतन वृद्धियों को रोकने का दिया गया था वह कदाचार के आरोपों की गंभीरता को देखते हुए उचित नहीं पाया गया। इसी कारण श्रमिक को दिनांक 8-5-85 को नोटिस दिया गया कि वह कारण बताएं कि उसके दण्ड में वृद्धि क्यों न की जावे। श्रमिक ने दिनांक 8-5-85 को यह लिखकर मंडल रेल प्रबंधक को दिया है कि उसे कोई स्पष्टीकरण पेश नहीं करना है और जो भी दण्ड मंडल रेल प्रबंधक उसे देंगे, वह स्वीकार होगा, इसके पश्चात् श्रमिक को दिनांक 14-5-85 को सेवानिवृत्ति किया गया। प्रतिप्रार्थी के अनुसार बत्तमान प्रकरण में कोई महायता श्रमिक को नहीं दी जा सकती। श्रमिक का यह बहुत गलत है कि उसे दो दण्ड दिए गए। बास्तव में

विभागीय जांच के पश्चात् उसे पदावनति किया गया और दो बेतन वृद्धियां रोकी गईं। इस सजा को मंडल रेल प्रबंधक ने नियम 22 रेलवे सर्वेट (डिसीप्लीनरी एण्ड श्रीपील) नियमों के अंतर्गत उचित नहीं पाया और श्रमिक को नोटिस दिया। श्रमिक के उत्तर तथा विभागीय जांच के लेडों की पढ़ने के पश्चात् पहले जो दण्ड दिया गया था, उसी को बढ़ाकर श्रमिक को सेवानिवृत्ति किया गया था। दण्ड में परिवर्तन किया गया है। दो दण्ड नहीं दिए गए हैं। प्रतिप्रार्थी के अनुसार श्रमिक का विवाद निरस्त किया जाए।

5. श्रमिक ने इस न्यायालय में विभागीय जांच को चुनौती नहीं दी है। केवल यह कहा है कि उसे दो बार दण्ड दिया गया है, इसलिए दण्ड के दोनों आदेश अवैधानिक हैं। नियम 22 आरएस डी एंड ए हल्स के अनुसार मंडल रेल प्रबंधक को अधिकार है कि वह विभागीय जांच का परीक्षण कर अपना निष्कर्ष निकाले। आदेश पारित करने से पहले मंडल रेल प्रबंधक ने श्रमिक को नोटिस दिया और श्रमिक ने अपने जवाब दिनांक 8-5-85 में कहा है है कि “आपके उपरोक्त पत्र के संबंध में मुझे कोई स्पष्टीकरण पेश नहीं करना है तथा आपके द्वारा दिया गया दण्ड मुझे स्वीकार होगा”। श्रमिक ने सेवानिवृत्ति के दण्ड के विशद रेलवे के किसी अधिकारी को अपील प्रस्तुत नहीं की। श्रमिक का यह तर्क आधारहीन है कि उसे दो बार दण्ड दिया गया। बास्तव में उसके दण्ड में परिवर्तन किया गया है और यह परिवर्तन नियमानुसार है।

6. विभागीय जांच में ये तथ्य आय है कि श्रमिक ने दिनांक 5-9-84 को अपनी ड्यूटी के दौरान अपने अधिकारी श्री गंगाधर सप्रे, चार्जमैन को मां-बहन की नंगी गलियां दी और धक्का दिया जिससे श्री सप्रे बेंच में गिर गए। इसके बावजूद श्रमिक बाहर गया और फावड़ा लेकर श्री सप्रे को मारने आया। रेलवे के दूसरे कर्मचारियों ने श्रमिक को पकड़ा और फावड़ा छीना। यही बात विभागीय जांच में सिद्ध पाई गई और श्रमिक को दण्ड दिया गया। श्रमिक ने अपनी ड्यूटी में अपने उच्च अधिकारियों को नंगी गलियां दी हैं और धक्का दिया है। फावड़े से मारने का भी प्रयास किया है। इन परिस्थितियों में सेवानिवृत्ति का दंड उचित है।

7. प्रतिप्रार्थी के आदेश दिनांकित 14-5-85 की पुष्टि की जाती है। श्रमिक को कुछ भी सहायता नहीं मिल सकती। इसी अनुसार विवाद का निराकरण किया जाता है। इस प्रकारण में दोनों पक्ष अपना-अपना व्यवहार करें।

8. धबाड़ की प्रतियां नियमानुसार भारत सरकार, श्रम मंत्रालय को प्रेषित की जाती हैं।

श्री. एम. धीक्षित, पीठासीन अधिकारी

नई दिल्ली, 21 नवम्बर, 1997

का.आ. 3146—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मध्य रेलवे, भोपाल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकरण कम लेवर कोर्ट, जबलपुर (एम.पी.) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-97 को प्राप्त हुआ था।

[संख्या एल-41012/125/93—आई.आर. (बी.3)/बी.1]  
सनातन, डैस्क अधिकारी

New Delhi, the 21st November, 1997

S.O. 3146.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court Jabalpur (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway, Bhopal and their workman, which was received by the Central Government on 19-11-1997.

[No. L-41012/125/93-IR (B-3)/B. I.]  
SANATAN, Desk Officer.

अनुबंध

केन्द्रीय श्रम श्रीद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर (म.प्र.)

डी.एन. दीक्षित  
पीठासीन अधिकारी

प्र.क. सीजीआईटी/एलसी/(आर) (73)/95  
श्री खेमचंद आत्मज तेज्जत सिंह  
भूसे की टाल, पुलिस थाने के पास,  
बजरिया, भोपाल (म.प्र.) — प्रार्थी  
वि.  
मण्डल रेल प्रबंधक,  
मध्य रेलवे,  
भोपाल (म.प्र.) —प्रतिप्रार्थी

अदार्ड

विनाकित : 01-10-1997

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश संख्या एल-41012/125/93—आई.आर. (बी.3) दि. 3-5-95 के द्वारा निम्नलिखित विवाद निराकरण हेतु इस अधिकरण को प्रेपित किया है:—

अनुसूची

“Whether the action of the DRM, C. Rly., Bhopal in terminating the services of Shri Kemchand S/o Shri Takhat Singh

w.e.f. 19-6-1989 is justified ? If not, to what relief the workman is entitled for ?”

2. इस प्रकारण में श्रमिक को दिनांक 8-5-93 से अगतार कई नोटिस भेजे गये, किन्तु उस पर तामील नहीं हुई। दिनांक 22-5-97 को पोस्टमैन ने यह लिखा कि पाने वाले का पता नहीं है। वह क्वार्टर टोड्कर चले गये हैं। श्रमिक खेमचंद कभी भी इस अधिकरण में उपस्थित नहीं हुए।

3. श्रमिक से संपर्क संभव नहीं है, इस कारण उसे काई सहायता नहीं दी जा सकती। यह अवार्ड दिया जाता है कि श्रमिक कोई सहायता पाने का अधिकारी नहीं है।

4. अवार्ड की प्रतियां नियमानुसार भारत सरकार, श्रम मंत्रालय, नई दिल्ली को प्रेपित की जाती हैं।

डी.एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 21 नवम्बर, 1997

का.आ. 3147—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेंट्रल रेलवे, भोपाल (एम.पी.) के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकरण, जबलपुर (एम.पी.) के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-97 को प्राप्त हुआ था।

[संख्या एल-41012/148/92—आई.आर. (डी.यू.) बी.1]  
सनातन, डैस्क अधिकारी

New Delhi, the 21st November, 1997

S.O. 3147.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of Central Railway, Bhopal (M.P.) and their workman, which was received by the Central Government on 19-11-1997.

[No. L-41012/148/92-IR (D.U.)/B. I.]  
SANATAN, Desk Officer

अनुबंध

केन्द्रीय श्रीद्योगिक न्यायाधिकरण एवं श्रम न्यायालय, जबलपुर, मध्य प्रदेश

डी.एन. दीक्षित  
पीठासीन अधिकारी

प्र.क. सीजीआईटी/एल सी (आर) (244)/93

श्री रमेश पुत्र लारेस  
गणेश तलाई, श्रावण समाज  
बाल मंदिर के सामने,  
खण्डवा (म.प्र.) —प्रार्थी

—प्रार्थी

## विषद्

मण्डल रेल प्रबन्धक,

भैष्य रेलवे, भोपाल (म.प्र.)

प्रवार्ड

दिनांकित : 22/10/1997

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश संख्या : एन-41013/148/92-आईआर (डी यू) दिनांकित 9/12/93 के द्वारा निम्नलिखित औद्योगिक विवाद निराकरण हेतु इस अधिकरण को प्रेषित किया है :—

## SCHEDULE

“Whether the action of the management D.R.M., Bhopal in terminating the services of Shri Ramesh S/o Sri Lawrence w.e.f. 30-11-89 is justified or not ? If not, for what relief the workman entitled to ?”

2. दोनों पक्षों को स्वीकार है कि वर्ष 82 से श्रमिक रमेश पिता लारेंस, परमानंट थे इंस्पेक्टर, सैन्टल रेलवे, के अंतर्गत हुरदा शाखा में कार्यरत था। श्रमिक के विषद् कार्य से अनुपस्थित रहने पर विभागीय जांच हुई और इस विभागीय जांच में उसकी सेवाएं समाप्त की गई।

3. श्रमिक के अनुसार वह दिनांक 29/3/89 से बीमार पक्षा और उसका परीक्षण जिला स्वास्थ्य अधिकारी ने भुसावल में किया। भुसावल से श्रमिक बुरहानपुर आया और यहाँ वि. 1/4/89 से 28/9/89 तक प्राइवेट डॉक्टर ने इलाज किया। दिनांक 4/4/89 की श्रमिक ने पोस्ट-कार्ड लिखकर पी.डब्ल्यू.आई. हुरदा को अपनी बीमारी के बारे में सूचना दी। 29/9/89 को श्रमिक ने पी.डब्ल्यू.आई. हुरदा को सभी डॉक्टरी सटिफिकेट दिये। श्रमिक के विषद् यह विभागीय जांच हुई कि वह अकारण ही दिनांक 1-4-89 से 28-9-89 तक कार्य से अनुपस्थित रहा। विभागीय जांच में श्रमिक को दोषी पाया गया और उसे कार्यमुक्त किया गया। इस आदेश के विषद् श्रमिक ने असिस्टेंट इंजीनियर, हुरदा को अपील की। इस अपील का कोई जवाब श्रमिक को प्राप्त नहीं हुआ। श्रमिक ने मण्डल रेल प्रबन्धक, भुसावल को भी अपील की, किन्तु उसका भी कोई उत्तर उसे नहीं मिला। श्रमिक चाहता है कि उसे पुनः सेवा में लिया जाए।

4. नियोजक के अनुसार श्रमिक 1/4/89 से स्वस्थ था और अकारण ही काम पर नहीं आया। विभागीय जांच में अपनाई गई प्रक्रिया सही है। इसमें श्रमिक ने पूरा अवसर बचाव के लिए दिया गया। विभागीय जांच के नियन्त्रण वैधानिक है।

5. विभागीय जांच के सभी नेत्र इस न्यायालय में सुन किए गए हैं। इसमें लगाए गए आरोप विधिवृत्त हैं। श्रमिक को पूरा अवसर विभागीय जांच में दिया गया है। श्रमिक ने यह स्वीकार किया कि वह 3099 GI/97-11

1/4/89 से 28/9/89 तक कुल 181 दिन इयूटी से अनुपस्थित रहा। श्रमिक ने स्वीकारोक्ति पर हस्ताक्षर किए हैं। विभागीय जांच में श्रमिक को दोषी पाया गया तथा असिस्टेंट इंजीनियर ने उसे सेवामुक्त किया।

6. विभागीय जांच में जो भी प्रक्रिया नियोजक ने अपनाई है, वह विधिवृत्त है और वैधानिक है।

7. श्रमिक ने इस बात पर बहुत बल दिया कि अगर उससे गलतियां हो भी गई तब भी उसे माफ किया जाए। मैं इस तर्क से सहमत नहीं हूँ। रेलवे का काम सुचारू रूप से चलाने के लिए यह आवश्यक है कि सभी कर्मचारी नियमों के अनुसार अपना-अपना काम करें। श्रमिक अकारण ही 181 दिन अनुपस्थित, रहा और इसके कारण उसके विषद् विभागीय जांच हुई जिसमें यह सेवामुक्त किया गया। इस प्रकार के प्रकरणों में हस्तक्षेप की आवश्यकता नहीं है।

8. मैं विभागीय जांच के नियन्त्रण से पूर्णरूप से सहमत हूँ और इसकी पुष्टि की जाती है। यही इस प्रकरण का अवार्ड है। दोनों पक्ष इस प्रकरण का अपना-अपना ध्यय बहन करें।

9. अवार्ड की प्रतियां नियमानुसार भारत सरकार, श्रम मंत्रालय को भेजी जाती है।

डी.एन. दीक्षित, पीठार्सन अधिकारी  
नई दिल्ली, 25 नवम्बर, 1997

का.आ. 3148.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधतंत्र के संबंध नियोजकों और उनके कमेंटरों के बीच, अनुमंद में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार की 27-11-97 को प्राप्त हुआ था।

[सं. एन-12012/4/94-आई.आर.टी-2]  
सनातन, ईस्क अधिकारी

New Delhi, the 25th November, 1997

S.O. 3148.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 24-11-1997.

[No. L-12012/4/94-JR(B-II)]  
SANATAN, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 46 of 1994

In the matter of dispute between :

Sri Mohammad Sagheer Ayubi,  
Village & Post Damriaganj,  
Distt. Sidarhnagar, U.P.

AND

Assistant General Manager,  
Allahabad Bank,  
Nadeshar Varanasi.

APPEARANCE :

Sri M. K. Verma for the management.

Sri B. P. Saxena for the workman.

## AWARD

1. Central Government, Ministry of Labour, vide notification No. L-12012/4/94-IR-(B-2) dated 22-4-1994, has referred the following dispute for adjudication to this Tribunal:—

Whether the action of the management of Allahabad Bank Varanasi in dismissing Sri Mohd. Sagheer Ayubi, clerk-cum-cashier from service w.c.f. 24-8-92 is justified? If not, what relief is the said workman entitled to?

2. The concerned workman Mohd. Ayubi was working as clerk at Basti Branch of the opposite party Allahabad Bank. He was served with a charge-sheet dated 29-7-91, the copy of which is attached herewith. One Mahanand Sharma was appointed enquiry officer. After completing enquiry he submitted his report on 13-6-1992 holding that all the three charges were proved. On the basis of this report after issuing show cause notice the concerned workman was dismissed from service by order dated 24-8-92 and appeal preferred by the concerned workman was dismissed on 17-11-1992. Feeling aggrieved the concerned workman has raised the instant industrial dispute. In the claim statement, inter alia, the fairness and

proprietary of domestic enquiry report have been challenged. It has further been alleged that he had no hand in the acts of omission and commission as alleged in the three charges.

3. In the written statement it was denied that enquiry was not fairly and properly held. Vide finding dated 13-8-97 this Tribunal held that enquiry was fairly and properly held. Thereafter, the case was listed for arguments.

4. During the course of arguments, the authorised representative of the concerned workman once again tried to show me that my own finding is perverse and the enquiry report is not proper. I think that this Tribunal has got no powers to review its own finding. Further this Tribunal once having found that enquiry was fairly and properly held cannot go beyond it.

5. On the quantum of punishment nothing has been said. I am of the opinion, that as it involves misappropriation of money, the only punishment would be removal from service as it involves loss of confidence as well. Hence, my award is that punishment awarded to the concerned workman is justified and the concerned workman is not entitled for any relief.

Dated : 11-11-1997.

B. K. SRIVASTAVA, Presiding Officer

इलाहाबाद बैंक

प्रधान कार्यालय : 2, नेता जी समाद रोड कलकत्ता-700001  
संदर्भ संख्या : क्षेका/गो/अ.प्रा./आ.प. 1/21  
क्षेत्रीय कार्यालय  
पेटनगर कस्ता रोड  
गोरखपुर-273001  
दिनांक 29-7-1991

मृ. सगीर अयूबी  
लिपिक सह रोकड़िया (निलंबित)  
बस्ती शाखा,

महोदया,

बस्ती शाखा में लिपिक सह रोकड़िया के पद पर  
दिनांक 12-10-87 से 20-09-89 तक कार्य करते हुए  
आप हारा अनियमित तथा अवैध कार्य किये थे ये  
जिनका विवरण निम्नवत् है—

1. बस्ती शाखा में यु.पा. जी निगम अपो संख्या 2234 हारा जिन लेनदारों को भुगतान कर उनमें से एक लेनदार श्री जग प्रसाद यादव बचत ख संख्या 2456 है। बचत खाता काउन्टर पर कार्य कर रहने के कारण यह तथ्य आप को भलिभांति ज्ञात

द्वितीय अतः दिनांक 5-4-1988 को आपने निर्वित त्र्यार्थी के लाभ में श्री जगप्रसाद यादव के नाम से पिनका जुलता एक अन्य खाता श्री जुगल प्रसाद यादव के नाम से खाता संख्या 2613 विनियोजित पड़ीयंत्र के अन्तर्गत खोदा तथा धोबाधड़ी की नियत से उक्त तथा कर्त्तव्य जुगल प्रसाद यादव का व्यवसाय पहले कृषि लिवा और बाद में ठेकेवारी भी जोड़ दिया। उक्त फर्जी खाता धारक श्री जुगल प्रसाद यादव का परिचय भी अपने पद का दुरुपयोग करते हुए भी सतिन्दर पाल मिह खाता संख्या 13281 से जिनका निवास बस्तो शाका परिवर्त ठेकेवारी सामने है, तथा कर्त्तव्य श्री जुगल प्रसाद यादव को अपना भित्र बताते हुए, कपटपूर्वक प्राप्त कर लिया और इस प्रकार अवैधार्तिक रूप से उक्त खाता संख्या 2613 छोड़कर उसका संचालन करते रहे।

आपका उक्त कृत्य द्विपक्षीय समझौते की धारा 19.5 (जे) के अनुसार और अववार को श्रेणी में आता है।

2. यू.पी. जज निगम के बचत खाते में आप द्वारा अनुचालन के कालम संख्या एक में वरिणि वैकों का उनके सम्मुख फालम संख्या दो में अंकित तिथियों में प्रथम बार वास्तविक/वैध पोस्टिंग की गई।

अनुलग्नक 1 में क्र.सं. 1 से 3 एवं 6 से 8 प अंकित चेकों की प्रविलियां प्रथम पोस्टिंग की तिथि को आप द्वारा संबंधित तिथि के लागू करने की गई उक्त चेक आप द्वारा जानवृश कर सक्षम प्राधिकारी तक पारण पासिंग हेतु प्रस्तुत होने से रोके गये तथा इस प्रकार बिना पास किये हुए चेकों की प्रविलियां आप द्वारा लाग बूक में की गई जो बैंकिंग प्रक्रिया के विवरात है। उक्त कर्त्तव्य बिना पास करते हुए चेकों की आप द्वारा अनुलग्नक-1 के कालम संख्या 3 से अंकित तिथियों में यू.पी. जल निगम के बचत खाते में अनियमित रूप से धोबाधड़ी के नियत से दोबारा डेविट पोस्टिंग की गई का तिथि से संबंधित लाग बूक में दोबारा प्रविलियां आप द्वारा जान बूझ कर बैंक को क्षति पहुंचाने की नियत से की गई।

अनुलग्नक-1 के क्र.सं. 4,5, व 6 पर अणित को चेकों को छोड़कर अन्य पांच चेकों की कालम संख्या 3 के अनुसार उल्लिखित तिथियों की यू.पी. जल निगम के खाते में एविड प्रविलियां अंकित करने के बाद आपने स्वयं द्वारा खोले गये जुगल प्रसाद यादव नाम के फर्जी करने के बाद आपने 2613 में उक्त चेकों का कारोबार-पांडिंग श्रेडिंग जमा बैंक को धोया व आधिक क्षति पहुंचाने को नियत से किया।

दिनांक 29-7-88 को आपने यू.पी. जल निगम के बचत खाते में रु. 12,200/- को डेविड पोस्टिंग बिना

किसी चेक/ताउचर के आवार पर फर्जी रूप से किया तथा उसके अनुलेप श्रेडिंग रु. 12,200/- अपने द्वारा खोले गये जुगल प्रसाद यादव के फर्जी बचत खाता संख्या 2613 में अपनी हस्तार्थित में किया। उपर्युक्त 12,200/- को फर्जी श्रेडिंग व डेविड प्रविलियां वैक वो धोया देने व आधिक क्षति पहुंचाने की नियत से संबंधित तिथि की नाम-बूक में आप द्वारा बिना चैक वाउचर के आवार पर की गई।

आप का उक्त धोबाधड़ी व जानवाजी का कृत्रिम प्रविक्षीय समझौते की धारा 19.5(ओ) तथा धारा 19.5(जे) अन्तर्गत धोर अववार को श्रेणी में आता है।

3. आप द्वारा खोले गये जुगल प्रसाद यादव के फर्जी बचत खाता संख्या 2613 में अंतर्गत व फर्जी रूप से जमा की गई विभिन्न वैकों को तथा फर्जी प्रविलियां, जिनका विवरण अ.पर दिया जा चुका है, को धनराशि रु. 1,47,100/- का नगद भुगतान आप द्वारा सीधे या किसी अन्य व्यक्ति को धोबाधड़ी की नियत से भारीमत कर प्राप्त निया गया जिसना विवरण अनुलग्नक-2 में दिया गया है। वैक से भुगतान प्राप्त करने को प्रतिगत में आपने अनुलग्नक-2 के क्र.सं. 3 से 6 व क्र.सं. 12 पर अंकित चेकों का भुगतान तीसरे व्यक्तियों श्री छोटू या छोटे या मो. अंतहर के माध्यम से स्वयं प्राप्त किया। अन्य चेकों विद्वावत का भुगतान आते बैंक से तीसरे व्यक्ति के माध्यम से प्राप्त किया।

अनुलग्नक-2 की क्र.सं. 1,2,4,7,8,10,11 व 13 पर अंकित चेक/प्रश्नावत आफ धारा आगे हस्ताने में जुगल प्रसाद यादव के नाम से आप द्वारा खोले गये फर्जी खाता संख्या 2513 में पोस्ट किये गये।

इस प्रकार आपने बैंक के साथ धोबाधड़ी व जानवाजी धरा कृत्य कर रु. 1,47,100/- का भुगतान अवैध रूप से प्राप्त कर बैंक को आधिक क्षति पहुंचाया। जात हुआ है कि उक्त कार्यवाही रु. 1,47,100/- का फर्जी रूप र भुगतान आप द्वारा प्राप्त करने को अवैध में हो आता ने अपनो सभुगतान को जारीन पर, जहां आप का पारंवार निवास करता है, भगत नियमित करा यांत्रिक संबंध में न तो आपने बैंक को सूचित किया न हो इस कार्य पर व्यय को गई धनराशि के स्रोत का विवरण दिया। इससे स्पष्ट होता है कि आप द्वारा उक्त फर्जी रूप से प्राप्त धनराशि का पूर्ण रूपेण या अंगान उताओ उक्त नियमित कार्य के निये किया गया। आपके उक्त कर्त्तव्य जानवाजी भरे कृत्य से बैंक हितों पर प्रतिहृत प्रभाव पड़ा है।

आपका उक्त कृत्य द्विपक्षीय समझौते की धारा 19.5(जे) के अनुपार धोर अववार को श्रेणी में आता है।

उपर्युक्त आरोप का उत्तर इस पत्र की प्राप्ति के साथ दिन के अन्दर अधोहस्ताक्षरी के व्यक्तिगत नाम में पंजीकृत डाक द्वारा प्रेषित कर दें यदि आप का उत्तर हमें निर्धारित अवधि के अन्दर नहीं आता है तो यह समझते हुए कि, इस संबंध में आप को कुछ नहीं कहना है, आपके विश्व अधिकारी कार्यवाही प्रारम्भ कर दी जाये भविष्य में आप से संबंधित कोई अन्य आरोप भी प्रकाश

में आते हैं, तो बैक आप के विश्व अनुशासनिक कार्यवाही कर सकता है।

इस पत्र की पावती स्वीकार करें।

भवदीय

नियानन्द द्वारा

क्षेत्रीय प्रबंधक व अनुशासनिक प्राधिकारी

द्वितीय अनियमित डेविट

प्रथम डेविट पोस्टिंग की तिथि पोस्टिंग की तिथि

क्र.सं. चेकों का विवरण

कालम सं. 1

(कालम सं. 21)

(कालम सं. 31)

1. 126469

21

29-3-88

5-4-88

2. 126673

अनुलग्नक-1

क्र.सं.

चेकों का विवरण

प्रथम डेविट पोस्टिंग की तिथि

द्वितीय अनियमित डेविट पस्टिंग की तिथि

(कालम सं. 1)

चेक सं. धनराशि

(कालम सं. 2)

(कालम सं. 3)

1. 126469

21,715.29

28-03-88

05-04-88

2. 126673

6,205.50

2-05-88

21-08-88

3. 127017

6,491.00

57-07-88

11-07-88

4. 129634

8,828.00

15-06-89

पोस्टिंग आपसे संबंधित नहीं

5. 129683

25,095.91

17-07-89

—तदैव—

6. 127240

35,891.82

पोस्टिंग आपसे संबंधित नहीं

15-10-88

7. 129044

27,264.79

—तदैव—

01-02-89

8. 129070

3,480.00

—तदैव—

04-03-89

अनुलग्नक-2

क्र.सं.

भुगतान की तिथि

चेक संख्या

धनराशि (रु.)

1. 07-04-88

चिवड़ाल

9,000.00

2. 14-07-88

367171

6,400.00

3. 01-08-88

367172

12,100.00

4. 29-08-88

367173

6,000.00

5. 18-10-88

367174

15,000.00

6. 01-11-88

367175

21,000.00

7. 27-06-89

366523

8,500.00

8. 23-02-89

367178

27,000.00

9. 08-03-89

366521

3,500.00

10. 04-05-89

366522

500.00

11. 17-07-89

366524

400.00

12. 21-07-89

366525

25,000.00

13. 06-04-88

चिवड़ाल

12,700.00

योग :

1,47,100.00

महि दिल्ली, 25 नवम्बर, 1997

का०शा० 3149.—श्रीशोगिक विवाद प्रधिनियम, 1947  
(1947 का 14) की धारा 17 के प्रनुसरण में केन्द्रीय सरकार पंचायत नेशनल बैंक के प्रबंधतात्त्व के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट श्रीशोगिक विवाद के केन्द्रीय सरकार में श्रीशोगिक प्रधिकरण कानपुर के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त होता था।

[सं० एल-12012/12/96-मार्ई मार(बी-II)]

New Delhi, the 25th November, 1997

S.O. 3149.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 24-11-1997.

[No. L-12012/12/96-IR (B-II)]  
SANATAN, Desk Officer

## ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR.

**Industrial Dispute No. 85 of 1996.**

In the matter of dispute :

## BETWEEN :

Anand Kumar Srivastava  
PANI Tanki Ke pass,  
Chakiya Varanasi.

## AND

Regional Manager,  
Punjab National Bank,  
S-20/56-D.,  
Mall Road Chawni,  
Varanasi.

### APPEARANCE :

Shri Mukul Mathur for the Management.  
Shri B. P. Saxena for the Workman.

## AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-12012/12/96-I.R. (B-2), dated 9-9-1996 has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of PNB, Varanasi in terminating the services of Shri Anand Kumar Srivastava w.e.f. 21-5-1994 is justified ? If not, what relief the workman is entitled ?"

2. The case of the concerned workman Anand Kumar Srivastava is that he was engaged as Temporary Driver in Regional Office on 6-10-1989. He continuously worked upto 20-5-1994. In that course he had driven the car of Regional Manager, Bank Cash Van. Some time he had to go out of station he was paid Daily Allowance. In this way he was regular driver of the bank. He was illegally removed from service from 21-5-1994 in breach of Section 25-F I. D. Act. Hence his termination is bad in law.

3. In the written statement the bank has alleged that Regional Manager was given staff car by the Bank. He was further given option to have personal Driver for this purpose. In pursuance of this authority Y. P. Anand the then Regional Manager has engaged the concerned workman as his personal driver. Subsequently his successor also continued to have his service. In this way he was not the employee of the bank.

4. In the rejoinder it is denied that the concerned workman was engaged as a personal Driver of Regional Manager.

5. In support of his case the concerned workman has filed 3 documents of which Exhibit W-1 and Exhibit W-2 are curfew passes, Exhibit W-3 is the extract of ledger. Beside the concerned workman has examined himself as WW(1). The opposite party bank has examined S. P. Mondwal as MW(1). Beside the bank has filed 5 documents which are not relevant for the purpose of the case.

6. The first point which call for determination is as to whether the concerned workman was personal driver of the Regional Manager or Driver of the Bank. The concerned workman has stated that he was engaged for bank. In that course he used to drive Cash Van of Bank as well. Further he was paid T.A. and D.A. when he went out of station. The management witness has simply stated that the concerned workman was engaged by Regional Manager as his personal driver. He has not rebutted the evidence of the concerned workman that he also used to Drive Cash Van of the Bank and also used to get T.A. and D.A. when he went out of station. Thus the evidence of concerned workman is unrebutted. If these facts were falls it was opened to the bank who have given evidence in rebuttal and should have also file Log Book of cash van of the Bank which was in his possession. Thus after accepting the evidence of the concerned workman I come to the conclusion that the concerned workman has driven cash van of the bank and was also give T.A. and D.A. If he was personal driver of the Regional Manager, work of Driving cash van of the bank ought not to have been taken from him. Further he would not have been paid T.A. and D.A., as the same is payable to regular employee of the bank. Hence my finding is that the concerned workman was

actually driver of the bank and not the personal driver of the Regional Manager. The camouflage the appointment of concerned workman by calling him personal driver of the Regional Manager. The case of P.N.B. V/S Gulam Dastagir 1978 L.L.J. 312 (S.C.) would not held the bank in view of my specific finding that the concerned workman had also driven Cash van of the Bank in discharge of duty and had also been given T.A. and D.A. when he went outdoor duty.

7. Admittedly the concerned workman has continuously worked from 6-10-89 to 20-5-94 and he was not given retrenchment compensation and notice pay at the time of termination. Hence there is breach of section 25-F I. D. Act. Accordingly my award is that removal of service of the concerned workman is bad in law and he will be entitled for reinstatement with back wages.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली 25 नवम्बर, 1997

का०आ० 3150—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरिएण्टल बैंक औफ कॉमर्स के प्रबंधनकार्य के संबंध नियोजनों और उनके कार्रवों के शोड, प्रयुक्ति में नि० २९ श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकारण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[सं० ए८-१२०१२/२३/९४-आई आर (बी-II)  
सनातन, डिस्क अधिकारी

New Delhi, the 25th November, 1997

S.O. 3150.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oriental Bank of Commerce and their workman, which was received by the Central Government on 24-11-1997.

[No. L-12012/23/94-IR (B-II)]  
SANATAN, Desk Officer.

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 73 of 1994.

In the matter of dispute :

BETWEEN :

Harmangal Prasad,  
Secretary U. P. Bank Employees Union,  
36/1 Kailash Mandir, Kanpur.

AND

Assistant General Manager.  
Oriental Bank of Commerce,

Regional Office Naval Kishore Road,  
Hazaratganj, Lucknow.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/23/94-IR (B-2), dated 24th August, 1994, has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Oriental Bank of Kanpur/Lucknow in transferring Shri S. K. Vidyarthi clerk-cum-cashier to Chhigramau on promotion as Special Assistant w.e.f. 24-12-1992 is justified ? If not, what relief is the said workman entitled to ?”

2. The case of the concerned workman S. K. Vidyarthi is that he was employed as clerk with the opposite party Oriental Bank of Commerce at Mali Road Branch Kanpur. The concerned workman was promoted on 17-12-1992, as special assistant and was transferred to Chhigramau Branch in Faizgarh District. He did not join there on promotion on the premises that he should be adjusted at Kanpur alone. Later on he raised this dispute with the averment that his transfer to Chhigramau branch is against the policy of the bank.

3. The opposite party bank has filed reply and has alleged that transfer is the prerogative of the management. There is nothing in the transfer policy which may obligate the management to promote any one at the place from where he was promoted.

4. Thus the main question is as to whether the transfer of the concerned workman from Kanpur to Chhigramau is against the transfer policy. A copy of that transfer policy has been filed by the management. It is incorporated in Chapter 28 of Compendium of Circulars of Personnel Department from 1-1-1972 to 31-12-1984. The opening sentence of para 534 of this policy commences with the word “ORDINARILY”. That means that in ordinary course one employee should not be transferred to one place or the other place without his consent. In my opinion, the word ‘Ordinarily’ would mean it is not obligatory on the part of the management to transfer an employee from one station to another without his consent. Some time exceptions can be made in this regard. Further transfer can be challenged if it is malafide or by way of victimization. Such is not the case of the concerned workman. In the end I agree with the authorised representative of the management that transfer is a prerogative of the management and Industrial Tribunal should not interfere with it unless it is shown that such transfer has been effected by way of victimization or is contrary to rules.

5. In the end my award is that as the transfer of the concerned workman at the time of promotion from Kanpur to Chhigramau was not in breach of any provisions in transfer policy and is not malafide, the same is not bad in law. Consequently, the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 25 नवम्बर, 1997

का०था० 3151—श्रौद्धोगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक प्रधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[सं एल-12012/61/40-पाई आर (बी-II)]  
सनातन, दैस्क अधिकारी

New Delhi, the 25th November, 1997

S.O. 3151.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 24-11-1997.

[No. L-12012/61/90-IR (B-II)]  
SANATAN, Desk Officer

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
PANDU NAGAR, KANPUR.

Industrial Dispute No. 210 of 1990.

In the matter of dispute :

BETWEEN :

Assistant General Secretary,  
Allahabad Bank Staff Association,  
C/o. Allahabad Bank, Mahavir Ganj  
Branch Aligarh.

AND

Regional Manager,  
Allahabad Bank,  
M. G. Road, Kanpur.

APPEARANCE :

Shri M. K. Verma for the management and  
Shri B. P. Saxena, for the Workman.  
AWARD

1. Central Government, Ministry of Labour, vide Notification No. L-12012/61/90-D.U., dated 9-10-1990, has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Allahabad Bank in imposing punishment of withdrawal of special allowance for two years on Shri Jagmohan Sharma is justified? If not, to what relief the workman is entitled to?”

2. The concerned workman Jagmohan Sharma was posted as Cashier Incharge in the Aligarh Muslim University Branch, Aligarh of the opposite party Allahabad Bank in the year 1986. It is alleged that on 5-8-1986 at about 2 p.m. S. C. Gupta, manager of Aligarh branch had telephoned V. K. Sinha, Branch Manager of Aligarh Muslim University Branch which was received by the concerned workman. After knowing the identity of the caller of the telephone, the concerned workman abused the caller of the telephone, namely U. C. Gupta and also issued threatening words. In this regard, a charge-sheet on 18-6-1986 was served upon him. The concerned workman sent a reply denying allegations and further alleging that he had been falsely implicated. One A. P. Saxena an Officer of the bank was appointed as Enquiry Officer. Some part of enquiry was conducted by him. Later on M. A. Hussaini became enquiry officer. In all the management examined S. C. Gupta, P.W. 1 and V. K. Sinha as P. W. 2. The defence examined Ghanshyam P. W. 1, Shailendra Kumar Gaur D. W. 2, Vinod Kumar Bhardwaj D.D. 3, concerned workman Jagmohan D.W. 4 and Ram Lal D.W. 5. After considering the evidence in this report dated 11-11-1987 he found the charges proved. A show cause notice was issued to the concerned workman on 28-11-1987, thereafter, punishment by way of withdrawal of special allowance for two years was enforced. Feeling aggrieved by this punishment order, the concerned workman had raised the instant industrial dispute. In the claim statement, inter alia, the fairness and propriety of domestic enquiry was challenged. On facts it was maintained that he had not abused U. C. Gupta on telephone. He has been falsely implicated due to the fact that he was a trade unionist.

3. The opposite party Allahabad Bank maintained that enquiry was fairly and properly held and that the concerned workman had actually committed the misconduct as given in the charge-sheet. On the pleadings of the parties a preliminary issue regarding fairness and propriety of domestic enquiry was framed. Vide finding dated 7-8-1996 this tribunal held that enquiry was fairly and properly held. However it was further found that as during the pendency of enquiry the concerned workman was promoted, misconduct stood condoned as was held in the case of Awadh Raj Singh versus State of M.P. 1987, AIR 287 (M.P.). After this the matter was again listed for hearing. This time the authorised representative of the management has referred to the case of New Bank of India versus N. P. Sohail 1991 (62) 1.b. IC 977 (S.C.). It was held that in case during the pendency of disciplinary proceeding promotion is given the earlier acts of misconduct would not be deemed to have been condoned. Having gone through the fact of the case, I am of the opinion, that principle laid down in this case will not apply to the case of the concerned workman. In this case an officer of the bank was promoted before issuance of charge-sheet. Thereafter, enquiry was held against him in respect of a

misconduct which was committed earlier. In para (6) of the judgment it was observed as under :—

In considering the submission of the respective parties we have to bear in mind that it is accepted before me that in law the more fact that disciplinary proceedings are contemplated or under consideration against an employee does not constitute a good ground for not considering the employee concerned for promotion if he is in the zone of consideration nor would it constitute a good ground for denying the promotion if the employee is considered otherwise fit for promotion. On the present case we find that this legal position is reinforce by clause (9) of the promotion policy of the appellant bank. Clause (9) reads as under :—

Clause 9.1 : Officers in respect of whom disciplinary action is in process will be permitted to take part in the promotion process subject to the condition that the promotion (if they are selected) will be withheld until the officer is exonerated from the charges. In such an event the Promotion will be given effect to from the date on which it would have been otherwise effective but for the disciplinary action. The Officer will not be eligible for promotion if punishment except censure was awarded as a result of disciplinary action.

In the instant case the charge-sheet against the concerned workman was given on 18-6-1986 and promotion as head cashier was given in 1986 i.e. during the pendency of enquiry. In above mentioned ruling promotion was made on the basis of promotion policy wherein it was found that the Officer was within the field of eligibility hence his case was considered. In the instant case it is not so. In that case enquiry was not contemplated whereas in the instant case promotion has been done during the pendency of enquiry. Hence, the principle on the basis of which it was held by Hon'ble Supreme Court that by promotion misconduct will not stand condoned will not apply to the present case. I am still of the view that the case of Madhya Pradesh (supra) would govern the fact of the instant case. Thus having found that misconduct was condoned the enquiry was not justified.

4. Consequently my award is that punishment awarded to the concerned workman by way of stoppage of social allowance for two years is not justified and he will be entitled for all consequential financial benefits on this basis.

B. K. SRIVASTAVA, Presiding Officer.

महि विली, 25 नवम्बर, 1997

का.प्रा. 3152—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधताल के संबंद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकारण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[सं एल-12012/115/88-प्राई भार (बी-II)]

सनातन, डैस्क अधिकारी

New Delhi, the 25th November, 1997

S.O. 3152.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 24-11-97.

[No. L-12012/115/88-IR(B-II)]  
SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 151 of 1988  
In the matter of dispute between :

P. N. Tiwari,  
Mahasachiv U. P. Bank Employees Union,  
175, Sohbatia Bagh, Allahabad.

AND

Assistant General Manager,  
Union Bank of India,  
8, M. G. Marg, Hotel Clerks Awadh,  
Lucknow.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, has referred the following dispute for adjudication vide notification No. L-12012/115/88-D2 dated 4-11-1988—

“Whether the action of the management of Union Bank of India in stopping three increments to Sri V. K. Agrawal permanently vide order dated 10-5-85 is justified? If not, to what relief is the workman entitled?”

2. The concerned workman V. K. Agrawal was posted at Badshahpur branch of the opposite party Union Bank of India. The concerned workman was served with the charge-sheet dated 13-5-82 which runs as under :—

That on 1st May, 1982 at about 10.30 a.m. the Branch Manager sent Sri S. N. Sharma, peon to the post office for despatching some letters by registered acknowledgement due. Among these was an envelope containing letter No. PNP-STE/554/1982 and PNP-STE/570 dated 20th April, 1982 regarding transfer request of the Branch Manager. The said letters were booked under registered letter No. 21.

At 2.30 p.m. Sri Agrawal alongwith Sri S. K. Garg, Special Assistant and Sri S. N. Tiwari, peon-cum-waterman, visited the post office and requested the postal clerk to give them the registered letter No. 21 on the pretext that the address was wrong and had to be corrected and that they wanted to confirm whether a certain letter had been enclosed therein. Since Sri Tiwari frequented the post office for bank's work he was known to the postal clerk who gave him the said registered letter bearing No. 21, in good faith. Sri Agrawal alongwith the aforesaid employees removed the letter bearing No. PNP/STF/570 regarding the transfer request of the branch manager from the envelope and thereafter closed the envelope and handed over the same to the postal clerk.

Earlier the disciplinary authority M. S. Sondhi himself had conducted the enquiry. He prepared his report dated 21-3-83 on the basis of which he was dismissed on 2-8-83. He preferred appeal. The appellate authority by order 27-9-83 had set aside the dismissal order and had directed the disciplinary authority to hold *de novo* enquiry. The enquiry officer once again after completing enquiry submitted his report on 14-6-84 on the basis of which he was once again dismissed from service. On appeal this punishment was altered to stoppage of three increments permanently vide order dated 10-5-85. Feeling aggrieved the concerned workman has raised the instant industrial dispute. In the claim statement the validity of domestic enquiry was challenged. On facts it was contended that he had taken out any application from the post office which was posted there. In reply the management maintained that the concerned workman alongwith S. M. Tiwari had direct hand in it.

3. In the rejoinder nothing new was alleged. On the pleadings of the parties a preliminary issue regarding fairness of domestic enquiry was framed. This tribunal vide finding dated 22-1-97 held that the enquiry was not fairly and properly held. Accordingly the management was given opportunity to prove misconduct on merits.

4. In support of his case the management has examined V. C. Soni, Accountant, M.W.I. He has stated that on 1-5-82 a telephonic message was received by him at about 3.30 p.m. by which he came to know that S. K. Garg, V. K. Agrawal and S. M. Tiwari had gone to post office and had taken out the bundle containing envelope from which the papers were further taken out. Consequently he went to post office and found that the weight of the envelope has become less, as was done at the time of sending the packet.

5. Thereupon the postal authorities had given Ext. M-1 a letter informing about this fact. In rebuttal the concerned workman has simply stated that he did not work after 2 p.m. in the bank. However, he has not specifically denied that he had not taken out any packet from the post office and further had not taken out any papers from the said envelope. Thus it will be seen that the version of the bank about taking out of application of branch manager from envelope has not been specifically denied by the concerned workman. Further the case of the management also find support from Ext. M-1 a report from the postal authorities as well as Ext. M-2 the report of the peon dated 2-5-82. Hence, I accept the case of the management and hold that the concerned workman alongwith two others had tinkered with the packet of the opposite party bank at the post office and had taken out the papers from the said envelope. In this way the charge is proved.

6. As the punishment is less than dismissal or removal from service, I need not go into the question of quantum of punishment. Accordingly my award is that punishment awarded to the concerned workman by the opposite party bank is justified and the concerned workman will not be entitled for any relief.

B. K. SRIVASTAVA. Presiding Officer

नई दिल्ली, 25 नवम्बर, 1997

का.आ. 3153.—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अलाहाबाद बैंक के प्रबंधनालय के संबंध नियोजकों 3099 G1/97-12

और उनके कर्मकारों के बीच, अनुबंध में, निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[सं. एन-12012/136/89-प्राई आर (बी-II)]  
सनातन, डेस्क अधिकारी

New Delhi, the 25th November, 1997

S.O. 3153.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 24-11-97.

[No. L-12012 136/89-IR(B-II)]  
SANATAN, Desk Officer

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DEOKI PALACE ROAD PANDU NAGAR KANPUR

Industrial Dispute No. 198 of 1989

In the matter of dispute :

#### BETWEEN

General Secretary,  
Allahabad Bank Staff Association,  
26-A, Nath Malaka,  
Allahabad.

#### AND

Zonal Manager,  
Allahabad Bank,  
D-28 Shastry Nagar,  
Meerut.

#### APPEARANCE :

Shri B. P. Saxena—for the workman.  
M. K. Verma—for the management.

#### AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-12012/136/89-D2(A) dated 18-8-89 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Allahabad Bank in imposing the penalty of stoppage of three increments on Shri Yadram Singh, Clerk-Cum-Cashier is justified? If not, to what relief is the workman entitled?

2. The concerned workman Yadram Singh was working as clerk cum cashier in the Etah Branch of the bank. He was served with a chargesheet dated 20-9-84 by virtue of which he was arraigned on three counts. The first charge relates to misbehaviour and pressurising the manager to mark Ranjit Kumar as present in the attendance register inspite of fact that he had come to the office at 12.30 P.M. The second charge related to incident dated 22-6-86 for misbehaviour with the branch manager and hurling abuses. The third charge related to attempt to assault branch Manager with paper weight. Mohan Chand Pandey manager of Regional Office was appointed as enquiry officer. He submitted his report on 27-10-86. It was found that two charges were proved. On the basis of this report after issuing show cause notice dated 31-7-87. The concerned workman was visited with a punishment order dated 12-9-87. Feeling aggrieved the concerned workman raised the present industrial dispute.

3. In the claim statement the concerned workman had denied that he had indulged in activities as alleged in three charges. It was alleged that enquiry was not fairly and properly held.

4. The opposite party bank on the other hand alleged that enquiry was fairly and properly held. It was further alleged that the concerned workman has committed misconduct as narrated in the written statement.

5. In the rejoinder nothing new has been alleged.

6. On the pleadings of the parties a preliminary issue regarding fairness and propriety of domestic enquiry was tried. Vide finding dated 1-10-96 it was held that enquiry was vitiated. Hence the bank was given opportunity to prove the misconduct on merits.

7. It is to be borne in mind that in the first place it is to be seen if Ranjeet Kumar had come late and concerned workman has pressurised bank manager to mark him present. The second charge is related to next day i.e. 22-6-84 when the concerned workman had alleged to have misbehaved with the branch manager A. K. Seth and further had attempted to assault branch manager with paper weight.

8. To prove these facts the management has examined Asstt. Field Officer P. N. Sharma MW(1) and Jugal Kishor MW(2). In rebuttal the concerned workman Yad Ram WW(2) and Ranjeet Kumar WW(1) were examined.

9. As regards the 1st charge Jugal Kishore an officer of the Bank MW(2) has stated that Head Cashier Ranjeet Kumar had come to office at 12.30 P.M. and the branch Manager A. K. Seth had prevented him from joining duty. Thereupon the concerned workman had prevailed upon the branch manager to mark him present. In rebuttal Ranjeet Kumar WW(1) has denied that had come late on 21-6-84 instead he had come in time. Yad Ram WW(2) had corroborated him and has further stated that he had not pressurised the branch Manager. I agree with the Au. Rep. of workman that in this case attendance register dated 21-6-84 would have most relevant. It would have proved the case of the bank to the hilt. as time of arrival would have noted in it. Failure to file this attendance register would prove fatal. Further in this case as A. K. Seth was the affected person his evidence was also necessary. In his absence I do not believe the version of the management and hold that Ranjeet Kumar had not come late on 21-6-84 hence question of exerting pressure upon A. K. Seth does not arise. In this way this charge is not proved.

10. As regard the 2nd charge there is evidence of both the witnesses P. N. Sharma MW(1) and Jugal Kishor MW(2). In rebuttal there is evidence of Yad Ram WW(2) he has stated that he had neither abused nor threatened A. K. Seth next day on 22-6-84. I do not accept the case of the management because of two factors. The incident of 22-6-84 is alleged to be a sequel of incident of 21-6-84. When I have not accepted the case of the management regarding incident dated 21-6-84 the motive for committing this misconduct on 22-6-84 does not remain. In the second place the evidence of A. K. Seth was essential which could have properly rebutted the evidence of concerned workman. Hence I do not accept the version of the management on this point as well.

11. As a result of above discussion both the charges against the concerned workman fail. The third charge has already been found not proved by the enquiry officer. Thus the resultant punishment awarded to the concerned workman on the basis of above charges is not justified. Hence after quashing the same the concerned workman will be entitled for all the consequential financial benefits and other dues I award accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 25 नवम्बर, 1997

का.प्रा. 3154—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधताव के संबंध नियोजकों और उनके कर्मकारों के बीच, प्रबंध में निर्दिष्ट प्रौद्यो-

गिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[सं. एल-12012/196/95-प्राई आर (बी-II)]

सनातन, डैस्क अधिकारी

New Delhi, the 25th November, 1997

S.O. 3154.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 24-11-97.

[No. L-12012/196/95-IR(B-II)]

SANATAN, Desk Officer

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING  
OFFICER CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT  
PANDU NAGAR KANPUR

Industrial Dispute No. 120 of 1996

In the matter of dispute :

#### BETWEEN

State President,  
PNB Employees Union,  
14/123 Kishanpur Rajpur Road,  
Dehradun.

#### AND

Regional Manager,  
Punjab National Bank,  
Arthnagar Chowk Jwalapur,  
Dehradun.

#### EX PARTE AWARD

1. Central Government, Ministry of Labour vide notification No. L-12012/196/95-IR(B-2) dated 26-11-1996, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Punjab National Bank Hardwar in imposing punishment of stoppage of two increments (with cumulative effect) on Sri Ramphal Singh Daftri Branch Office BHBL Ranipur Hardwar is just and legal ? If not, to what relief the workman is entitled ?

2. The concerned workman Ramphal was working as Daftri at Ranipur branch of the opposite party Punjab National Bank. He was served with two chargesheets dated 10-6-88 and 18-1-89 copies of which are annexed herewith as annexures 1 and 2. One G. S. Awasthi was appointed enquiry officer in this regard. He submitted his report dated nil holding that both the charges were proved. Agreeing with this report, the disciplinary authority imposed punishment by way of stoppage of two increments. Feeling aggrieved the concerned workman has raised the instant industrial dispute.

3. In the claim statement, inter alia, it was alleged that chargesheets are invalid having been issued by the branch manager who was incompetent person. Whereas the Regional Manager is the disciplinary authority. In this way the very foundation of enquiry is vitiated. consequently the finding of enquiry officer and resultant punishment order is bad in law.

4. The opposite party was issued notice, but they failed to come in appearance. Hence case proceeded ex parte against them.

5. I have seen the two chargesheets dated 10-6-88 and 18-1-89. They purport to have been given by the branch

manager. There is no dispute that in a case of peon and daftari Regional Manager is the appointing authority. Thus both the chargesheets have been given by an officer below the rank of Regional Manager and as such they are bad in law. Consequential effect enquiry proceeding and finding of enquiry officer are illegal. As such the same is set aside. Since the management has not sought permission to prove the misconduct by way of filing of written statement. As such there is no need to afford an opportunity to the management to prove the misconduct, before this Tribunal.

6. In the end my award is that imposition of punishment by the management is bad in law and the workman would be deemed as if no punishment was awarded to him. He will also be entitled for all consequential benefits.

Dated : 19-11-97.

B. K. SRIVASTAVA, Presiding Officer

पंजाब नैशनल बैंक  
शाखा बी एन ई, रानीपुर  
श्री रामपाल सिंह  
चपरासी  
शाखा बी. एन. ई. एल. रानीपुर

#### विषय आरोप पत्र - 2

इस कार्यालय के पत्र दिनांक 10-12-88 का संदर्भ से जिसके द्वारा आपको बैंक सेवा से इसलिए अद्योहस्ताक्षर कर्ता ने निलम्बित किया था क्योंकि यह सूचित किया गया था कि दिनांक 9-12-88 को लगभग 5.30 बजे साथ आपने श्री जे. पी. शर्मा अधिकारी के साथ अभद्र अवहार करते हुये उन्हें धनका मारा तथा मारने को हाथ उठाया और कहा है कोई मार्द ना तात इन बकार में ही जो मेरा मुकाबला करे तथा मेरे से काम कराये।

इससे पहले भी कई बार श्री शर्मा द्वारा बैंक कार्य करने के लिये कहने पर आपने जान बुझकर नहीं किया तथा एक दिन एक रजिस्टर मांगने पर कहा आप कहेंगे मैं नहीं करूँगा साथ ही हाल में जाकर जोर-जोर से हल्ला करना शुरू कर दिया। आपके निविमित पूर्वक व असंतोष-जनक कार्य के लिये पहले भी कई बार मौखिक व लिखित रूप में आपको आगाह किया जाता रहा है जैसे पत्र दिनांक 23-5-88 व 4-6-88 का संदर्भ लेकिन आपने अपने अवहार व कार्य प्रणाली में कोई सुधार नहीं किया तथा अन्त में दिनांक 10-6-88 को विवर होकर एक आरोप पत्र दिया गया जिसका कि आपके द्वारा दिया गया उत्तर भी संतोष जनक नहीं था। किर भी आपको सुधार करने का मौका दिया गया किन्तु आपके अवहार एवं कार्य प्रणाली में कोई सुधार नहीं हुआ। जैसा कि दिनांक 9-12-88 को आपने श्री जे. पी. शर्मा के साथ घोर अभद्र अवहार किया।

अतः आपके द्वारा उपरोक्त किये गये कार्य द्विपक्षीय समझौते के अन्तर्गत धारा 19.5 (सी) 19.5 (घ) 19.5 (जी) तथा 18.7 (सी) लवु लूराचार की परिधि में आते हैं। आरोप पत्र दिनांक 10-6-88 में भी दर्शाये गये आरोप द्विपक्षीय समझौते के अनुसार 19.7 (सी) 19.5 (ई) तथा 19.5 (जी) में आते हैं।

अतः आपको सलाह दी जाती है कि उपरोक्त आरोपों तथा पत्र दिनांक 10-6-88 में दर्शाये गये आरोपों का उत्तर यदि कोई हो तो 7 दिन के भीतर प्रस्तुत करें अन्यथा समझा जायेगा कि आप इस विषय में कुछ नहीं कहना चाहते और आप पर लगाये गये आरोपों को आपने स्वीकार कर लिय है। तदनुसार बैंक सेवा नियमों के अन्तर्गत आपके विरुद्ध अनुशासनात्मक कार्यवाही की जायेगी तथा इस बीच आप बैंक सेवा से निलम्बित बने रहेंगे तथा आपके बैंक नियमानुसार निवाहि भना देय होगा। आप बिना आज्ञा बैंक में प्रवेश नहीं करेंगे तथा अपना वर्तमान पता बैंक को सूचित करेंगे जिससे आपको आवश्यकता पड़ने पर कोई सूचना भेजी जा सके।

प्रबन्धक  
पंजाब नैशनल बैंक, बी एन एल, रानीपुर, हरिद्वार

दिनांक 10-6-88

श्री राम पाल सिंह  
चपरासी

शाखा बी.ए.ई. एल., रानीपुर  
विषय : आरोप पत्र-1

हमारे पत्र दिनांक 4-6-88 का संदर्भ से जिसका उत्तर आपके द्वारा पत्र दिनांक 6-6-88 से दिया है जो कि सत्तोष प्रद नहीं पाया गया। अतः आप पर निम्न आरोप लगाये जाते हैं :—

आपने चपरासी/दफतरी पद का कार्य हमेशा लापरवाही से किया है जिसके सुधार हेतु कई बार मौखिक रूप से तथा दिनांक 25-9-87 के कार्यालय आदेश द्वारा भी आपको लिखित रूप में सूचित किया गया। लेकिन अवलोकन करने के बावजूद कि आपके कार्य में कोई उत्तर नहीं है तथा शाखा के प्रतिदिन के बाउचर अनियोग्यता पूर्वक बादा हुए हैं जिन में बाउचर बंडल के ऊपर अंकित संख्या से बास्तविक बाउचरों की संख्या कम है तथा बाउचर ऋम संख्या अनुसार भी नहीं सिवे जाते हैं। उदाहरण के लिए दिनांक 6-4-87 के भुगतान बाउचर बंडल के ऊपर अंकित संख्या के अनुसार पूरे नहीं हैं साथ ही दफतरी के अन्य कार्य भी आपके द्वारा सुधार रूप से नहीं किये जाते रहे हैं।

दिनांक 1-6-88 को अर्द्धवार्षिक लेखा वन्दी से सम्बन्धित कार्यालय आदेश जारी किया गया जिसे कुछ सम्बन्धित कर्मचारियों ने नोट किया लेखन बाद में उधर रजिस्टर आपके द्वारा गायब कर दिया गया जोकि दिनांक 4-6-88 को बैलेंस बैंकों के बीच में पाया गया जिसे बेखने पर पता चला कि आपने कार्यालय आदेश से कर्मचारियों के हस्ताक्षर मिटा दिये हैं। हस्ताक्षर मिटाने की प्रक्रिया को कार्यालय के ही एक कर्मचारी द्वारा

देखा गया। इसके अतिरिक्त आपने अन्य कर्मचारियों को भी बैंक कार्य न करने के लिए उकसाया। इस प्रकार आपने बैंक कार्य में शकावट ही पैदा नहीं की बरन् रिकार्ड को भी बदला।

आपके उक्त कार्य छिपक्षीय समझौते के पैग 19.7 (सी) 19.5(जी) 19.5(ई) 19.5(डी) के अनुसार गम्भीर दूराचार की श्रेणी में आता है साथ ही साथ सलाह दी जाती है कि इस आरोप पत्र के सन्दर्भ में अपना उत्तर यदि नहीं हो तो 7 दिन के भीतर प्रस्तुत करें अत्यथा समझा जायेगा कि आप इस विषय में कुछ नहीं कहता चाहते और आप लगाये गये आरोपों को स्वीकार करते हैं। तदनुसार बैंक नियमों के अन्तर्गत आप के विरुद्ध कार्यवाही की जायेगी।

प्रबंधक पंजाब नेशनल बैंक

नई दिल्ली, 25 नवम्बर, 1997

का.आ. 3155 आधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बड़ौदा के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आधिकारिक विवाद में केन्द्रीय सरकार आधिकारिक अधिकरण, कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[सं. एल-12012/234/90—ग्राइ.आर. (बी-2)]

सनातन, ईस्टक अधिकारी

New Delhi, the 25th November, 1997

S.O. 3155.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workman, which was received by the Central Government on 24-11-97.

[No. L-12012/234/90 IR(B-II)]

SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
CUM LABOUR COURT, PANDU NAGAR, DEOKI  
PALACE ROAD, KANPUR

Industrial Dispute No. 284 of 1990

In the matter of dispute between :  
Amberish Kumar  
F-2195, M.I.G.  
Rajaji Puram,  
Lucknow.

And

Zonal Manager  
Bank of Baroda  
Jeevan Bhavan  
Hazratganj,  
Lucknow.

#### AWARD

1. Central Government, Ministry of Labour, vide notification no. L-12012/234/90 IR(B-2) dated 3-12-90, has referred the following dispute for adjudication to this Tribunal—  
Whether the Regional Manager, Bank of Baroda Lucknow was justified in terminating the services of Sri Amberish Kumar w.e.f. 1-8-81? If not to what relief the workman is entitled?

2. There is no dispute that the concerned workman after transfer from Gorakhpur to Lucknow in June 1979, was working as Accounts clerk in the Zonal office of the opposite party Bank of Baroda. From 20-2-81 to 4-6-81, he remained absent without any prior application. Further on 5-6-81, he submitted resignation which was later withdrawn on 9-6-81. Thereafter, he absented from 12-6-81 till the date of termination i.e. 16-7-1981.

3. The case of the concerned workman is that due to illness he remained absent from 20-2-81 to 4-6-81. He had never resigned on 5-6-81. Instead this resignation letter was obtained under duress. On 8-6-81 he had applied for privilege leave from 10-6-81 to 7-7-81 which was refused on the pretext that prior one month notice was not given. It is alleged that as the concerned workman was ill during this period he could not join hence it was not a deliberate act on the part of the concerned workman when he absented from duty. In any case termination order is bad having been passed by office manager. It is further alleged that termination order was passed by way of punishment hence it cannot be passed without holding any enquiry. In any case there was no complete compliance of section 25F of I.D. Act as retrenchment compensation which was paid was less.

4. In the written statement the management has alleged that the concerned workman from the very inception after posting at Lucknow was not interested in doing bank's service. He used to remain absent unauthorisedly without any prior information. In that case he graduated in Law and also resume legal practice at Lucknow. As the concerned workman was absent from 20-2-81 to 4-6-81, he was being given 10 days notice to join. Thereafter, he willingly resigned. He had given application for leave from 10-6-81 to 7-7-81 which was rightly refused as it was not given one month earlier. Ultimately he illegally absented from 12-6-81. During this period he was given notice dated 18-6-81 to 2-7-81 to join but he failed. Hence in terms of circular no. OO/BK/70/265 dated 28-9-76, the concerned workman was removed from service by order dated 16-7-81 by paying retrenchment compensation and notice pay as enjoined by section 25F of I.D. Act.

5. In the rejoinder nothing new has been alleged.

6. In support of his case the concerned workman had examined himself as Amberish Kumar W.W.I. In rebuttal management has examined Narendra Kumar Bansal M.W.I besides the management has filed Ext. M-1 to M-11.

7. From the pleadings of the parties two points arises for determination. The first is as to whether the termination order is bad having been passed by office manager. The second point is as to whether the management was within its rights in terminating his services by complying provisions of section 25F of I.D. Act and without holding of any enquiry.

8. As regards the first point Ext. M9 is the termination letter dated 16-7-81. It goes to show that this order has been passed by the Regional Manager. Hence the case of the concerned workman that this order was passed by office manager is not correct. There is no denying of the fact that Regional Manager is appointing authority of accounts clerk. In this way I do not find any substance in the contention of the concerned workman that termination order was not passed by competent person.

9. As regards second point Ext. W-10 is the copy of letter dated 19-8-81 having been sent by the concerned workman to the bank by which it was acknowledged that notice pay and retrenchment compensation has been paid to him but it was protested that it has been paid less. The details of the same were also given. Before this tribunal although the concerned workman examined himself as W.W.I but he has

not proved as to how retrenchment compensation and notice pay has been paid less. The burden of prove was on him. As such it was for him to have proved that retrenchment compensation and notice pay was paid less by giving particulars of salary etc. by way of evidence. Hence, from the own admission of the concerned workman it is proved that he was paid retrenchment compensation and notice pay. As regards the reasons for retrenchment the management has alleged that he was unauthorisedly absenting from time to time inspite of warning and notices. This fact is amply proved from exhibits M-7 a letter dated 18-6-81 and Ext. M-8 a letter dated 2-7-81 by which the concerned workman was asked to resume his duties but he failed to join. Apart from this Ext. M-11 is an application for enrolment as an Advocate by the concerned workman which was supported by his affidavit in which he had sworn that he not doing any job since 1979. It is not disputed to the concerned workman that he had absented from 20-2-81 to 4-6-81. He could not give any satisfactory evidence that during this period he was ill. I am inclined to believe the evidence of N K Bansal M.W.1 that during this period the concerned workman was not ill and he was busy in settling himself in legal practice. From all this I am satisfied that concerned workman was not interested in doing service and it was a good reason for effecting retrenchment. There was no need to hold enquiry as well.

10. The concerned workman has not challenged the retrenchment on the ground of breach of provisions of section 25G and 25H of Industrial Disputes Act, hence it need not be considered.

11. In the end my award is that the termination of the concerned workman was justified and the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 25 नवम्बर, 1997

का.आ. 3156.—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार श्रीद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[स.एल-12012/260/93-प्राई.आर. (बी-II)]  
मनातन, डैस्क अधिकारी

New Delhi, the 25th November, 1997

S.O. 3156.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 24-11-97.

[No. L-12012/260/93-IR(B-II)]  
SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 20 of 1994

In the matter of dispute :

BETWEEN :

Sri Anant Lal C/o. V. N. Sekhari,  
26/104 Birhana Road Kanpur.

AND

Chief Manager,  
Punjab National Bank,  
Nayaganj Kanpur.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, via notification No. L-12012/260/93 IR B-II dated 4-3-94 has referred the following dispute for adjudication to this Tribunal :—

Whether any employer employee relationship exists between the management of Punjab National Bank, Kanpur, and Sri Anant Lal ? If so, whether the action of the management in terminating his services w.e.f. 14-6-89 is justified ? If not, what relief is the workman entitled to ?

2. In this case earlier an exparte award against the concerned workman was given on 29-5-95. However, lateron this exparte award was set aside on the request of the concerned workman.

3. The case of the concerned workman Anant Lal is that he was engaged as a peon at Nayaganj Branch of the opposite party Punjab National Bank on 31-10-87 and he continuously worked upto 13-6-89. Thereafter, he was retrenched in utter breach of provisions of section 25FG and H of I.D. Act, as such his retrenchment is bad in law.

4. On its reply the opposite party bank has alleged that the concerned workman was never engaged as peon. Instead he used to run a canteen in the bank. In this way he was not an employee of the bank. Accordingly a question of breach of provisions of section 25F, G and H I.D. Act does not arise.

5. In the rejoinder it was denied that the concerned workman was running a canteen in the branch of the opposite party bank.

6. Thus the only question which calls for determination is as to whether the concerned workman was a peon or was a canteen contractor. In support of his case, the concerned workman Anant Lal W.W.1 has stated that he was engaged as a peon and he used to do job of peon as well. On the other hand Prem Narain Shukla M.W.1 has stated that the concerned workman had never worked as a peon in the branch. In fact he was never engaged. In this case, the management has filed Ext. M-1 to M-7. Out of them M-1 to M-3 are vouchers through which payments were made to the concerned workman which goes to show that the concerned workman was given expenses of canteen. Ext. M-4 to M-7 are not relevant as they relate to Scheme of running a canteen at Bank.

7. In view of above I believe the version of the management and hold that the concerned workman was not the peon. Instead he was a canteen worker and in this way there was no relationship of employer and employee between the bank and Anant Lal. Accordingly question of wrongful termination of services of concerned workman does not arise.

8. In the end my award is that the concerned workman was not an employee of the opposite party bank, hence second part of the reference need no answer. The concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 25 नवम्बर, 1997

का.आ. 3157.—श्रीद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट श्रीद्योगिक

विवाद में केन्द्रीय सरकार प्रौद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[स.एल-12012/281/94-आईयार(बी-II)]  
सनातन, डैस्क अधिकारी

New Delhi, the 25th November, 1997

S.O. 3157.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 24-11-97.

[No. L-12012/281/94-IR(B-II)]  
SANATAN, Desk Officer

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT DEOKI PALACE ROAD PANDU NAGAR KANPUR

Industrial Dispute No. 23 of 1995

In the matter of dispute :

BETWEEN :

Asstt. General Secretary,  
Allahabad Bank Staff Association,  
C/o. A. K. Agarwal F-161 Sector 'E'.  
Aliganj Lucknow.

Name of Borrower	Address	Purpose of Loan	Date of disbursement	Amount	Mode of Payment
1. Km. Anjana D/o Shri Ram Kumar	Mirzabagh Aliganj Lucknow	Doll Making	3.6.91	Rs. 6500/-	through S/B a/c
2. Sri Ajai Kumar S/o Shri Jagdish Prasad	Sarai Malikhan Chowk Lucknow	Chikan	3-6-91	Rs. 6500/-	Through S/B a/c
3. Km. Rekha D/o Shri Raj Kumar	Ram Nagar Aishbagh, Lucknow	Readymade Garments	-do-	Rs. 6500/-	-do-
4. Shrif Vasudeo S/o Gauri Shankar	Mirzabagh Aliganj Lucknow	General merchant	-do-	Rs. 6500/-	-do-

The sanctioned loan amount was got disbursed on the strength of forged documents and was ultimately withdrawn from S/B account opened for the purpose in the similar names and nature.

2. While posted as Clerk-cum Typist at Regional Office, Lucknow and temporarily deputed and working there in City Office Lucknow branch, you deposited the outstanding amounts in the said accounts in which the advances were

#### Sl. No. Documents

1. S/B a/c opening form
2. —do—
3. —do—
4. —do—
5. } All the four transfer.
6. } Vouchers regarding transfer of
7. } Loan amount to s/b a/cs of the
8. } above referred a/cs dated 3.6.91.
9. } withdrawal froms related.
10. } to the above s/b a/cs.
11. } dated 3.6.91
12. }

AND  
Asstt. General Manager,  
Allahabad Bank,  
Z. O. Hazratganj Lucknow.

#### APPEARANCE :

Shri B. P. Saxena—for the workman.  
M. K. Verma—for the management.

#### AWARD

1. Central Government Ministry Of Labour New Delhi vide its Notification No. L-12012/281/94 dated 31-1-95/8-2-95 has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of Allahabad Bank, Lucknow imposing the penalty of stoppage of 3 increments with cumulative effect on Shri Ashwani Kumar Agarwal, Clerk vide their order dt. 11-1-93 is legal and justified ? If not, to what relief is the said workman entitled to ?"

2. Although the case has reserved for finding on preliminary issue, it is being disposed finally as no useful purpose will be served by giving fresh opportunity to the opposite party bank.

3. Following facts are not in dispute.—Admittedly the concerned workman was deputed at City Office Lucknow of the opposite party Bank as a clerk for his certain acts of commission, he was served with the charge sheet Exhibit M-1 which runs as under :—

You are hereby charged as under :—

1. While posted as Clerk cum Typist at Regional office, Lucknow and temporarily deputed and working there in City Office Branch Lucknow, you with an ulterior motive got sanctioned following four advances under DRI Scheme with fictitious names, addresses, and other related particulars and supporting forged documents to your family members with their forged signatures, thereon.

allowed to your family members, with an ulterior motive, and got them closed in an irregular manner.

3. While posted as Clerk-cum-Typist at Regional Office Lucknow and temporarily deputed and working there in City Office branch, in an irregular and unauthorised manner and with an ulterior motive you have removed the following relevant documents of the above referred four accounts from the Bank's branch.

#### Name

Km. Anjana D/o Shri Ram Kumar S/B a/c No.17595  
Sri Ajay Kumar S/O Sri Jagdish Prasad S/B a/c No. 17599.

Km. Rekha D/o Sri Raj Kumar s/b a/c No. 17602  
Sri Vasudeo S/o Sri Gauri Shanker s/b a/c No.17600

Your above name are tantamount to gross misconduct under clause 19.5(j) of the 1st bipartite settlement dated 19-10-1966.

You are therefore hereby called upon to submit your explanation, if any in writing within seven days of the receipt of this charge-sheet, specifically, admitting or denying the charges levelled against you, failing which matter will be proceeded with accordingly.

Further you are placed under suspension with immediate effect pending enquiry under clause 19.12 (B) of bipartite settlement dated 19-10-66.

One M. C. Pandey an officer of the Bank was appointed enquiry Officer. After recording evidence of both the parties and taking into consideration the documents the enquiry officer submitted his report on 17-6-92 holding that all the three charges were proved. On the basis of this report after issuing usual show cause notice the concerned workman was awarded punishment by way of stoppage of 3 increments with cumulative effects. Feeling aggrieved the concerned workman has raised the instant industrial dispute.

4. In the claim statement the concerned workman has alleged that enquiry was not fairly and properly held. It was further alleged that he had not committed any fraud in advance of loan whatever was done, the same was done by the branch manager. As he was in advance section he had simply assisted the branch manager in sanction of loan. It was denied that any one of the four borrowers has given in charge No. 1 were his relatives. He has also denied that he deposit the money as alleged in charge No. 2. He has further denied that he had removed the papers as alleged in charge No. 3. It was further alleged that charges were vague.

5. In the written statement it was alleged that it was the concerned workman who had perpetrated this fraud for personnel gain. He had utilized this money in the marriage of his sister. He was also instrumental in removal of documents. In fact he had deposited this money to cover up this fraud. In the end it was alleged that enquiry was fairly and properly held.

6. In the rejoinder nothing new was alleged.

7. On the pleadings of the parties the following preliminary issue was framed.

Whether the domestic enquiry was conducted by the management was not fairly and properly ? In the first place it was urged by the Au. Rep. of workman and charge No. 1 is vague. There is no dispute that branch manager Anoop Kumar Bose alone was responsible for disbursement of four loans in question. Hence if any wrong has been done in advance of loan in question he alone is responsible. In order to link the concerned workman it has been alleged in the charge that he with an ulterior motive got sanctioned these loans. The manner in which the concerned workman got these loans sanctioned has been specified. It is well settled law that a person gets a wrongful act done through other by fraud misrepresentation or coercion. In my opinion in the instant case the disciplinary authority ought to have specified one of the above manners for getting the loans sanctioned. Thus I uphold the contention of the Au. Rep. of the workman and hold that in absence of specification of manner in which these loans were got sanctioned, the charge No. 1 is vague.

8. On merits I too find that charge No. 1 is not sustainable. Anoop Kumar Bose MW(7) before the enquiry officer has stated that when these papers were brought him by the delinquent he was reluctant. However at the insistence of the concerned workman sanctioned loan. It shows that manager had some reservation in sanction of loan. If he harboured some doubt he ought not to have sanction this loan. From this disagreeing with the opinion of enquiry officer I come to conclusion that Anoop Kumar Bose the manager alone was responsible for disbursement of this loan. The enquiry officer has also relied upon the so called admission made by the concerned workman before the investigation officer D. K. Govil MW(1) and R. K. Rawat MW(3). The enquiry officer has failed to take of the notice that delinquent had denied that he had made any such admission. Further if such admission was made, it could have reduced to writing. In his absence on the part

of the delinquent is not proved. There is also no evidence to show that before loanees were the relation of the concerned workman. The enquiry officer has inferred it for reasons best known to him. There is also no evidence worth the name that the documents which were prepared for the sanction of the loan were forged. Simply because the concerned workman has married his sister is no ground to infer that he would have committed this fraud. Smt. Chandra Mohni Mehrotra MW(6) and Anil Kumar MW(5) have been examined to prove that the concerned workman has prepared papers and had also signed money consideration receipt. I accept the explanation of the concerned workman in this regard that as he was in advance section he was required to do so. In this way he had done so in regular course of business. During the course of enquiry the delinquent had asked for more papers to show that like wise he had dealt with papers of other loanees as well, but the same was refused. Thus taking over all the matter I disagree the enquiry officer and hold that if loans to the four loanees has been given in charge No. 1 were wrongly given, Anoop Kumar Bose the manager alone was responsible. The concerned workman had no hand in it.

9. As regard charge Nos. 2 and 3 the enquiry officer has held that the same were proved because charge No. 1 was proved and in this way the concerned workman would have interested in covering up this fraud and removal of documents. Since I have come to the conclusion that the concerned workman had nothing to do with the charge No. 1 for the same reason I come to the conclusion that charge Nos. 2 and 3 are not proved. As the concerned workman had not committed any fraud he would not have prepared any documents for refund of loan and would have also not removed any documents in this regard. Thus it is held that all the charges are not proved as it has been held that Anoop Kumar Bose the Manager alone was responsible. It is not necessary to give fresh chance to the management.

10. Consequently my award is that punishment awarded to the concerned workman by the stoppage of 3 increments with cumulative effect is not justified the same is quashed and the concerned workman will be entitled for all benefits as if this punishment was not awarded.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 25 नवम्बर, 1997

का.आ. 3158.—श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधतान के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[सं.प्रल-12012/372/88-ग्राइ आर (बी-II)]

सनातन, डैस्क अधिकारी

New Delhi, the 25th November, 1997

S.O. 3158.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management

of Allahabad Bank and their workman, which was received by the Central Government on 24-11-1997.

[No. L-12012/372/88-IR (B-II)]

SANATAN, Desk Officer  
ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR KANPUR

Industrial Dispute No. 173 of 1988

In the matter of dispute between :  
Raja Ram C/o P. C. Bajpai,  
990 Y Block Kdiwai Nagar,  
Kanpur.

AND  
Assistant General Manager,  
Allahabad Bank,  
Zonal Office 113/58 Swarup Nagar,  
Kanpur.

APPEARANCE :

Shri M. K. Verma, for the management and V. P. Srivastava for the concerned workman.

#### AWARD

1. Central Government, Ministry of Labour, vide Notification No. L-12012/372/88-D2(A) dated 29-11-1988, has referred the following dispute for adjudication to this Tribunal:—

Whether the action of the management of Allahabad Bank in terminating service of Sri Raja Ram is justified? If not to what relief the workman is entitled?

2. The case of the concerned workman Raja Ram is that he was engaged as peon-cum-farrash at Orai Branch of the opposite party Allahabad Bank on 17-10-83 and he worked upto 15-2-86. In all he worked for more than 600 days. He was paid wages on daily wages.

He used to do work of regular nature. He was removed from service on 16-2-86 in breach of provisions of sections 25F and 25G of I.D. Act.

3. The opposite party has filed reply in which it has been alleged that concerned workman was not engaged as peon-cum-farrash. His name was not sponsored by the employment exchange. In fact he could not have been given employment by Regional Manager, as his appointing authority is Regional Manager. Further he was given chance but he could not cleared the rest. Hence he was not taken on regular basis.

4. In the rejoinder, the facts alleged in the claim statement have been reiterated.

5. In support of his case, the concerned workman has examined himself as W.W. 1. In rebuttal there has been evidence of Manager Faqir Chand Tondon M.W.1 and Subhash Chandra M.W.2. Besides management filed Ext. M-1 to M-39. The defence has filed Ext. W-1 to W-6. Besides in this case a joint inspection report dated 15-7-1996 is also on record.

6. The first point which needs determination is as to whether the concerned workman was engaged as peon-cum-farrash. The concerned workman has stated on oath that he was engaged as peon-cum-farrash. He used to do work of all peons. He was engaged in place of Devideen who was promoted. In his cross examination he could not say if his name was sponsored by the employment exchange or not. However, he has admitted that he had appeared in written test. He does not know the result. Further he has filed the extracts of peon book in which there his name is to be found in peons column. Subhash Chandra M.W.2 has tried to prove that there was no practice of obtaining signatures of peon in this peon book, the same has been manipulated for the purpose of the case. On the other hand Subhash Chandra M.W. 2 has stated that at the time of working of the concerned workman there were regular peons in this branch and the concerned workman was not taken as peon. Instead he was working as a casual labour. I am inclined to accept the evidence of Subhash Chandra M.W. 2 that the concerned workman had manipulated the signatures in the peon book Ext. W-6 as he could not have access to this book. Hence it held that work of peon was taken from the concerned workman. However, I am not inclined to believe the version of the concerned

workman that he was engaged as a regular peon as from the evidence of Subhash Chandra it is fully established that regular peons were also working. When there were already full time Chaprasi there was no question of engaging another instead he would have engaged as casual worker and i.e. why he was paid wages on daily basis. Hence my finding is that the concerned workman was engaged as a casual worker and not as a peon. Further he had not continuously worked. Instead he had worked intermittently. For such persons benefit of section 25F and 25G of I.D. Act cannot be extended. Hence if no further work was taken from such a worker obviously it would not amount to illegal termination of service. Hence my award is that termination of the concerned workman is not bad and the concerned workman is not entitled for any relief.

**B. K. SRIVASTAVA.** Presiding Officer

नई दिल्ली, 25 नवम्बर, 1997

का. आ. 3159.—ग्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रनुसारण में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधनतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ग्रौद्योगिक विवाद में केन्द्रीय सरकार ग्रौद्योगिक अधिकरण कानपुर के पंचाट द्वारा प्रवाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[नं. एम-12012/380/92-आई.आर. बी-II]  
सनातन, इम्पक अधिकारी

New Delhi, the 25th November, 1997

S.O. 3159.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 24-11-1997.

[No. L-12012/380/92-IR(B-II)]  
SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR, KANPUR U. P.

I.D. No. 1493

In the matter of dispute between :

B. P. Saxena,

Member Central Committee,  
U. P. Bank, Employees Union,  
127/91 W-I Saket Nagar,  
Kanpur.

AND

Regional Manager,  
Allahabad Bank,  
Pandu Nagar, Kanpur.

#### APPEARANCE :

Sri M. K. Verma Advocate for the management.

Sri B. P. Saxena for the Union.

#### AWARD

1. Central Government, Ministry of Labour, vide Notification No. L-12012/380/92 IR-B-2 dated 27-1-1993 has referred the following dispute for adjudication to this Tribunal:—

Whether the action of the management of the Allahabad Bank, Kanpur, in denying full wages for the suspension period and inflicting punishment for stoppage of three increments with cumulative effect to Sri Radhey Shyam clerk-cum-cashier is justified? If not, to what relief is the workman entitled to?

2. Although this case was reserved for finding on preliminary issue, final award is being given as I have come to the conclusion that in this case the enquiry was fair and proper and punishment is less than dismissal or removal from service.

3. The concerned workman was working as clerk-cum-cashier in the Kalpi Branch of the opposite party Allahabad Bank. On 6-6-1989 he is alleged to have assaulted the then Branch Manager J. K. Agrawal and had also misbehaved with him. In respect of this incident a chargesheet dated 22-6-89 was given to him which is Ext. M-1 on record. One Sushil Kumar Bhatia an officer of the bank was appointed as enquiry officer.

4. In support of their case, the management examined the victim J. K. Agrawal M.W. 1 Suresh Chandra Bajpai M.W.2 and Manoj Mishra M.W. 3. In rebuttal M. H. Hashmi an official of the bank was examined as M.W 1. The concerned workman did not enter into witness box before the enquiry officer. Instead he had submitted a written statement after the conclusion of the case. Besides the management had also relied upon the enquiry, report and written report sent to higher authorities. On a consideration of above facts, the enquiry officer vide report dated 15-1-1990 held that this charge fully proved. Agreeing with this report the disciplinary authority has imposed punishment by way of stoppage of three future increment and the balance of wages for suspension period has also be forfeited. Feeling aggrieved by this punishment order the concerned workman has raised the instant industrial dispute.

5. In the claim statement, interalia, the fairness and proprietary of domestic enquiry was challenged. Besides it was denied that he had ever misbehaved or assaulted with the branch manager.

6. In the written statement it was maintained that the concerned workman did misbehaved with the manager and had assaulted him. The enquiry was fairly and properly held.

7. On the pleadings of parties following preliminary issue was framed:—

Whether the domestic enquiry conducted by the management was not fair and proper?

Having heard both sides, I have gone through the evidence adduced before the enquiry officer. I have no hesitation in holding that the report of the enquiry officer does not suffer from any infirmity. As has been noticed in support of their case, the management had examined the victim J. K. Agrawal M.W-1 who had narrated all the facts in full. The concerned workman examined M. H. Hashmi who had stated that no such occurrence had occurred in the office. However, the concerned workman did not dare to enter into the witness box. If the fact was unproved he ought to have entered into witness box and ought to have faced the cross examination. In its absence, the unrebutted evidence of J. K. Agrawal was enough to prove the misconduct of the concerned workman.

8. The authorised representative of the concerned workman has submitted that the incident took place on 6-6-89 whereas report was made on 8-6- 89. Hence, there as delay in lodging of report. In my opinion this has been satisfactorily explained by the management by submitting it that as the branch manager had sustained enquiry and was busy in getting his treatment, the report was sent after two days. I accept this explanation as cogent. It was also alleged that enquiry report is fictitious. I do not find any substance in it. There is not much matter of this enquiry report as the evidence of J. K. Agrawal regarding sustaining of injury is unrebutted.

9. Lastly it was submitted that Manager was ill disposed towards his as used to give memos to the delinquent for arrears of pending cases. If it is so the boot would lay in the other foot. This would serve as motive for perpetrating this misconduct.

10. In the end I come to the conclusion that there was no infirmity in holding enquiry and finding of the enquiry officer is in consonance with the principles of natural justice.

11. As the punishment is less than dismissal or removal from service this tribunal in exercise of powers under sec. 11-A of I.D. Act, cannot enter into the quantum of punishment, in the end my award is that management's action in imposing the punishment on the workman is justified and the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 25 नवम्बर, 1997

का.आ. 3160.—ग्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गुनियन बैंक आफ इंडिया के प्रबंधनतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ग्रौद्योगिक विवाद में केन्द्रीय सरकार ग्रौद्योगिक अधिकारण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[म. एन-12012/392/97-आईआर (बी-II)]

सनातन, डैस्ट्रिक्ट अधिकारी

New Delhi, the 25th November, 1997

S.O. 3160.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 24-11-97.

[No. L-12012/392/87-IR(B-II)]

SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 204 of 1991

In the matter of dispute :

#### BETWEEN

Sri P. N. Tiwari,  
U. P. Bank Employees Union,  
165, Sohbatiya Bagh, Allahabad

#### AND

Assistant General Manager,  
Union Bank of India,  
Awadh Clarks Building,  
8; M. G. Marg, Lucknow.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, vide notification no. L-12012/392/87-D.II(Δ) dated 12-12-88, has referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Union Bank of India in stopping three annual increments of Sri S. M. Tiwari peon/watchman permanently vide orders dated 10-5-85 is justified ? If not, to what relief is the workman entitled ?"

2. The concerned workman S. M. Tiwari was posted at Badshahpur branch of the opposite party Union Bank of India as peon. He was served with the chargesheet dated 14th May, 1982 which runs as under—

That on 1st May 1982 at about 10:30 a.m. the branch Manager sent Shri S. N. Sharma peon to the post office for despatching some letters by registered acknowledgement due. Among these was an envelope containing letters nos. PNP:STF: 564/1982 and PNP:STF:570 dated 20th April, 1982 regarding transfer request of the branch manager. The said letters were booked under registered letter no. 21.

At about 2:30 p.m. Sri Tiwari alongwith Sri S. K. Garg, special Assistant and Sri V. K. Agarwal clerk cashier visited the post office and requested the postal clerk to give them the registered letter No. 21 on the pretext that the address was wrong and had to be corrected and that they wanted to confirm whether certain letter had been enclosed therein. Since Sri Tiwari frequented to the post office for bank's work, he was known to the postal clerk who gave him the registered letter bearing no. 21 in good faith. Sri Tiwari alongwith the aforesaid employee removed the letter bearing no. PNP: STF: 570 regarding the transfer request of the branch manager from the envelope and thereafter closed the envelope and handed over the same to the postal clerk.

Earlier the disciplinary authority MS. Sondhi himself had conducted the enquiry. He prepared his report dated 24-3-83. On the basis of which he was dismissed on 2-7-84. He preferred appeal. The disciplinary authority set aside the dismissal order and had directed the disciplinary authority to hold donovo enquiry. The enquiry office once again completed the enquiry and submitted his report, on dismissed from service. On appeal this punishment was altered to stoppage of three increments permanently vide order dated 10-5-85. Feeling aggrieved the concerned workman has raised the instant industrial dispute. In the claim statement the validity of domestic enquiry was challenged. In facts it was contended that he had taken out any application from the post office which was posted there. In reply the management maintained that the concerned workman alongwith S. M. Tiwari had direct hand in it.

3. In the rejoinder nothing new was alleged. On the pleadings of the parties a preliminary issue regarding fairness of domestic enquiry was framed. This Tribunal vide finding dt. 22-1-97 held that the enquiry was not fairly and properly held. Accordingly the management was given opportunity to prove the misconduct on merits.

4. In support of his case the management has examined V. C. Soni Accountant M.W.I. He has stated that on 1-5-82 a telephonic message was received by him at about 3:30 p.m. by which he came to know that S. K. Garg, V. K. Agrawal and S. M. Tiwari had gone to post office and had taken out the bundle containing envelope from which the papers were further taken out. Consequently he went to post office and found that the weight of the envelope has become less as was done at the time of sending the packet.

5. Thereupon the postal authorities had given Ext. M-1 a letter informing about this fact. In rebuttal the concerned workman was simply stated that he did not work after 2 p.m. in the bank. However, he has not specifically denied that he had not taken out any packet from the post office and further had not taken out any papers from the said envelope. Thus it will be seen that the version of the bank about taking out of application of branch manager from envelope has not been specifically denied by the concerned workman. Further the case of the management also found support from Ext. M-1 a report from the postal authorities as well as Ext. M-2 a report from the peon dated 2-5-82. Hence, I accept the case of the management and hold that the concerned workman alongwith two others had tinkered with packet of the opposite party bank at the post office and had taken out the papers from the said envelope. In this way the charge is proved.

6. As the punishment is less than dismissal or removal from service. I need not go into the question of quantum of punishment. Accordingly my award is that punishment awarded to the concerned workman by the opposite party bank is justified and the concerned workman will not be entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 25 नवम्बर, 1997

का.आ. 3161.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधनव के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[म.पन-12012/403/86-श्राव आर (बो-II)]  
मनान, डैरक अधिकारी

New Delhi, the 25th November, 1997

S.O. 3161.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 24-11-97.

[No. L-12012/403/86-IR (B-II)]  
SANATAN, Desk Officer.

#### ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 70 of 1987.

BETWEEN

Ramagya, C/o. R. K. Pandey, 67/99 Lalkuan Lucknow.

AND

Allahabad Bank,

through Dy. General Manager,  
Allahabad Bank,  
Hazaratganj, Lucknow.

#### APPEARANCE :

Shri M. K. Verma for the management and  
Shri V. P. Srivastava for the Workman.

#### AWARD

1. Central Government, Ministry of Labour, vide Notification No. L-12012/403/86-D. II (A), dated 26-6-1997, has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Allahabad Bank in relation to their Balrampur Branch in terminating the services of Shri Ramagya Sub-Staff w.e.f. 24-7-83 is justified ? If not, to what relief is the workman entitled ?"

2. The case of the concerned workman Ramagya is that he was engaged as a peon-cum-Farrash on 16-6-1979 at Balrampur Branch of the opposite party Allahabad Bank. He worked for 63 days in 1979, for 140 days in 1980, for 356 days in 1981, for 126 days upto July, 1982. Thereafter from July, 1983 upto 23-7-1983, he worked for 272 days. In this way in the last year before his termination on 24-7-1983 he had worked for 272 days as he was removed from service without payment of retrenchment compensation and notice pay, the same is bad in breach of provisions of section 25-F of I. D. Act. There has also been breach of provisions of section 25-H of I. D. Act as juniors to him were retained in service.

3. The opposite party bank has filed written statement and contended that the concerned workman was engaged at the post of peon-cum-farrash. Instead he was engaged to do casual nature of work like supply of water by the branch manager. In fact the branch manager had no right to engage peon-cum-farrash who could be engaged by Regional Manager alone. Further his appointment was not made in accordance with rules and Regulations.

4. In the rejoinder it is denied that the appointment of the concerned workman was bad.

5. In support of his case the concerned workman Ramagya has examined himself as W.W. 1, whereas the management has examined Ram Krishna Gupta as W.W. 1 and M. K. Shanti as W.W. 2. The concerned workman has filed Ext. W-1 to W-10, whereas the management has filed Ext. M-1 to M-5.

6. The first question which needs consideration is as to whether the concerned workman was engaged as peon-cum-Farrash or casual worker.

7. The concerned workman Ramagya has stated that he was engaged as Chaptasi. In his cross examination he has admitted that his name was not sponsored by the employment exchange, no interview or any sort of test was taken before his employment. In his time Shambhu Nath Singh and Chandra Bhushan were working as regular peons. He was daily rated worker. He has further stated that he had appeared in test but he was not informed about the result. In the end he has denied the suggestion that he had worked for 127 days in the last preceding year before his termination. Ram Krishna M.W. 1 has stated that the concerned workman could not be engaged by the Branch Manager. His name was not sponsored by the Employment Exchange. He had appeared in the Trade Test but he failed. He had further stated that he was required to perform casual nature of work and for which he was paid labour charges daily.

8. M. K. Shanti M.W. 2 has stated that the concerned workman had later on impersonated by working in the name of Chinkau at this branch from 19-3-1991 to 27-9-1996.

9. From the above evidence it has emerged that there was full strength at this branch. In the presence of these peons it is unlikely that the concerned workman would have been engaged on a regular post. Instead it is more likely that he would have been engaged as a casual worker to do casual nature of work. Hence my finding is that the concerned workman was not engaged on regular post of any peon-cum-Farrash. Instead he used to be engaged as daily rated worker as and when necessity arose. In my opinion, provisions of section 25-F of I. D. Act, are not available to such a worker. Hence his termination cannot be said to be bad being in breach of provisions of section 25-F or 25-H of I. D. Act. Further there is one additional factor. He was called in the test and he has failed. In view of this fact also the concerned workman will not be entitled for any reinstatement or any other benefit.

10. Accordingly my award is that the termination of the workman is not bad and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer,

नई दिल्ली, 25 नवम्बर, 1997

का.आ. 3162.—श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधनतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[स.एल-17012/47/91-श्रौद्ध.आर. (बी. II)]  
सनातन, डैम्प अधिकारी

New Delhi, the 25th November, 1997

S.O. 3162.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 24-11-1997.

[No. L-17012/47/91]IR(B-II)]  
SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DEOKI PALACE ROAD PANDU NAGAR KANPUR

Industrial Dispute No. 2 of 1992

In the matter of dispute :

#### BETWEEN

Subhash Chand Seth  
C/o K. N. Soni  
118/70 Kaushalpuri  
Kanpur

#### AND

Divisional Manager  
Life Insurance Corporation of India  
Jeewan Prakash  
B-12/120 Gauriganj  
Varanasi

#### APPEARANCES :

Km. Meenu Soni for the workman

Shri Amreek Singh for the Management.

#### AWARD

1. Central Government Ministry of Labour New Delhi vide its notification No. L-17012/47/91-

IR(B-II), dated 31-12-1991 has referred the following dispute for adjudication to this Tribunal :

“Whether the action of the Divisional Manager, LIC Varansi, removing of Shri Subhash Chandra Seth, S/o Late Kashi Nath Seth, Development Officer, from service vide his orders dated 7-6-1985 is justified ? If not, to what relief the workman concerned is entitled ?”

2. Subhash Chandra Seth the concerned workman was working as Development Officer of the opposite party LIC at its Gyanpur branch in the Distt. Varanasi. He was issued a charge sheet on 29-3-1984 which runs as under :—

You, Sri S. C. Seth, posted as Development Officer at Gyanpur Branch, under LIC of India, Branch Officer Gyanpur are charged as under :

- (a) That you had absented yourself from your Headquarter Bhadohi from 11-8-1982 to 28-12-1982 and again from 6-1-1983 till date without prior permission of leave.
- (b) Your above action tantamounts to breach of Regulation 30 and 31 of the L.I.C. I (staff) Regulation, 1960 as amended upto-date, for which act any or more of the penalties as specified in Regulation 39(i)(a) to (g) of the aforesaid (staff) Regulations can be imposed on you.

You are therefore hereby directed to state whether you desire to cite any witness/witnesses in such case their names, designation and addresses should be furnished. Indicating the nature of their evidence which is intended to prove or disapprove the charges to enable the undersigned to decide whether you should be permitted to produce such witness/witnesses in your case.

If your written statement is not received within P. L. Tripathi an Officer of the LIC was appointed as Enquiry Officer. After completing enquiry he submitted his report on 8-3-1985. Disciplinary authority has passed order of removal from service on 7-6-1985. Feeling aggrieved the concerned workman has raised the instant Industrial Dispute in which he had explained the reasons from absence from duty from 11-8-1982 to 28-12-1982. Further he has challenged the fairness and propriety of domestic enquiry. Further it was alleged that the punishment is disproportionate to his misconduct.

3. The opposite party has filed reply in which it was alleged that enquiry was fairly and properly held and there was no satisfactory delay for absence from duty. The punishment is also not harsh.

4. In the rejoinder nothing new was alleged.

5. On the pleading of the parties a preliminary regarding fairness and propriety of domestic enquiry was framed. On 27-3-1997 the Au. Rep. of the concerned workman gave a statement that fairness and propriety of domestic enquiry is not being

challenged she will argue on the question of punishment. Thereafter the management get the written statement amended and took the plea that Development Officer are not workman, hence the reference is bad. This fact denied by the workman by filing additional Rejoinder.

6. In this way there is two points for consideration. The first is as to whether the concerned workman is workman as envisaged by Section 2(a) I.D. Act. The 2nd point is whether the punishment awarded to the concerned workman is disproportionate to the misconduct.

7. The Au. Rep of management has argued that the concerned workman in the capacity of Development Officer is not a workman as envisaged by Section 2(a) I.D. Act. It may be mentioned that in the case of S. K. Verma V/s. Mahesh Chandra and others 1984(SC) 1462, the Hon'ble Supreme Court was pleased to hold that Development Officer of Life Insurance Corporation of India were actually workman. In the case of H. R. Adyanthaya V/s Sandoz (India) Ltd. (S) 2608 AIR a question arose before the Hon'ble Supreme Court that as to whether medical representative were workman or not. While dealing with this matter Hon'ble Supreme Court had also observed that as the judgment in the above mentioned case was not rendered keeping in view the observations of May and Baker's case AIR 1967 SC 678, Whimco AIR (SC) 472 and Burmah Shell case 1971 (SC) 922 AIR. It was observed that his judgment was per incurium. As such it is maintained by the authorised representative of the concerned workman Development Officers of LIC of India are not workman. In this case at no place it was held that such Development Officers are not workman. Rather it was required from Labour Tribunal to record finding on such point. It is not disputed that a Development Officer get Bonus. In my opinion this is a strong sine qua non of a workman and on this basis, I come to the conclusion that Development Officers of Life Insurance Corporation of India are workmen as envisaged by Section 2(S) of I.D. Act. Accordingly this contention is overruled.

8. In the case of R. P. Mishra versus U. P. Hill Electronics Corporation and others 1997 Lab IC 254 (Allahabad) and H. K. Erranna versus Chairman & Managing Director National Textile Corporation Limited 1996 Lab IC 1296 (Andhra Pradesh) it has been held that in a case of misconduct by way of unauthorised absence from duty is not so grave which may warrant major punishment by way of removal from service. Following the principal laid down in these cases, I come to the conclusion that in the instant case removal from service of the concerned workman is highly disproportionate to the misconduct. In my opinion, in the instant case the concerned workman is deprived from back wages from the date of termination to the date of reference it will be enough.

9. Hence, my award is that removal from service of the concerned workman by order dated 7-6-1985 is bad in law. He will be entitled for reinstatement with back wages from the date of reference.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 25 नवम्बर, 1997

का.आ. 3163.—आद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अनाहाबाद बैंक के प्रबंधतंत्र के संबद्ध नियंत्रकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचाट का प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-97 को प्राप्त हुआ था।

[स.एल.-12012/47/89-आईआरबी-2]

सनातन, ईस्क अधिकारी

New Delhi, the 25th November, 1997

S.O. 3163.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workman, which was received by the Central Government on 24-11-97.

[No. L-12012/47/89-IR(B-II)]

SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA,  
PRESIDING OFFICER, CENTRAL GOVERN-  
MENT INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 144 of 1989

In the matter of dispute :

#### BETWEEN

Phagu son of Kolahal,  
Village Manipur, Post Kalyanpur,  
District Azamgarh.

#### AND

Assistant General Manager,  
Allahabad Bank,  
Nadesar Taksal Theatre Building,  
Varanasi.

#### APPEARANCES :

Sri M. K. Verma—for the management

Sri B. P. Saxena—for the workman.

#### AWARD

1. Central Government, Ministry of Labour, vide Notification No. L-12017/42/89-D-2(A), dated

30-5-89, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Allahabad Bank in not absorbing Sri Phagu against a regular vacancy of sub-staff in newly created Kalyanpur branch is justified ? If not to what relief is the workman entitled ?

2. The case of the concerned workman Phagu is that new branch in Kalyanpur of District Azamgarh was opened on 26-12-84. The concerned workman was engaged as peon-cum-farrash from that very date. He continued to work upto 31-10-85 when he was removed from service one Akshay Lal was given appointment. His removal from service is alleged to be bad in law being in breach of Section 25-F of I.D. Act.

3. The opposite party has contested the case by filing written statement.

4. It is unnecessary to give further developments in the case as the answer to this reference is to be given in the negative on the own admission of the concerned workman. In para 4 of the claim statement it has been specifically alleged that he has been removed from service. In other words he is not in service. The reference is for absorption in regular vacancy of sub-staff. A person can be absorb on permanent basis only when he is in service. Unless and until it is adjudicated that Phagu was illegally retrenched his case for permanent absorption is premature and this cannot be considered.

5. Obviously his case of retrenchment cannot be considered as there is no specific reference in this regard and certainly this Tribunal cannot travel beyond the reference as warranted by Section 10(4) of I.D. Act.

6. According my award is that as the concerned workman is not in service he is not entitled for absorption in a regular vacancy of sub-staff at Kalyanpur Branch of the opposite party Allahabad Bank.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 27 नवम्बर, 1997

का.आ. 3164.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधनतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण मुम्बई-2 के पंचाट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 25-11-97 को प्राप्त हुआ था।

[नं.पल.-12012/88/96-आई.आर. (वी-II)]

सनातन, डैस्क अधिकारी

New Delhi, the 27th November, 1997

S.O. 3164.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Mumbai II as shown in the Annexure in the Industrial Dispute between the employer, in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 25-11-97.

[No. I-12012/88/96 IR (B-II)]

SANATAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NO. II, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGII 2/19 of 1997

Employers in relation to the management of Central Bank of India

AND

Their Workmen.

#### APPEARANCES :

For the Employer : Non Appearance.

For the Workmen : No Appearance.

Mumbai, dated 12th November, 1997

#### AWARD

The Government of India, Ministry of Labour by its Order No. I-12012/23/96/IR/II dated 8/9/97, had referred to the following Industrial Dispute for adjudication :

“Whether the action of the management of Central Bank of India in awarding the punishment of stoppage of three increments in the time scale (for the years 1994, 1995, & 1996) to Sh. T. Mesquita, clerk is legal and justified ? If not, to what relief the said workman is entitled ?

2. When the desk officer send the order of the Government to the Tribunal, had also seen its copies to the concerned parties. It is specifically mentioned there in that the party raising the dispute shall file the statement of claim complete with relevant documents, list of reliance of witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also serve copy of such a statement to each one of the opposite parties involved in this dispute under Rule 10(B) of the Industrial Disputes (Central) of the Industrial Rules 1957.

3. The Secretary of the Tribunal after receipt of the order of the reference had also issued a notice to the concerned parties and directed them to file a statement of claim by post. The workman did receive the notice of the Tribunal.

4. The workman had send a telegram (Ex-2) stating that he will send the statement of claim by post. Again he send an application (Exhibit-4) stating that he will send the statement of claim by post the matter may be fixed for hearing at Goa. But, he did not send the statement of claim. Therefore, the matter was adjourned to 15-9-97. On that date also he send the telegram stating that he will be sending the statement of claim. To accomodate him the matter was adjourned to 30-9-97. But he did not send the statement of claim nor did he remain personally, present. Thereafter the matter was adjourned to 29-10-97 and again till and again till 12-11-97. But till I am dictating this Award the Tribunal did not receive the state-

ment of claim from the workman. The conduct speaks that he only wants to keep the matter pending without taking active part in the same. This speaks that he had no interest to prosecute the matter. In the result I pass the following order :

#### ORDER

The action of the management of Central Bank of India in awarding the punishment of stoppage of three increments in the time scale (for the years 1994, 1995 & 1996) to Shri T. Mesquita, clerk, is legal and justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 27 नवम्बर, 1997

का.आ. 3165—ओर्डोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिडीकेट बैंक के प्रबंधतात के संबंध नियोजकों उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओर्डोगिक विवाद में केन्द्रीय सरकार ओर्डोगिक अधिकरण 2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-11-97 को प्राप्त हुआ था।

[नं.एल-12012/319/95-आई शार (बी-2)]

सनातन, डेस्क अधिकारी

New Delhi, the 27th November, 1997

S.O. 3165.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Mumbai II as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 25-11-97.

[No. L-12012/319/95-I.R.(B-II)]

SANATAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II MUMBAI

#### PRESENT:

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2/50 of 1996

Employers in relation to the management of Syndicate Bank.

AND

Their Workmen

#### APPEARANCES:

For the employer—Mr. D. B. Shetty.. Representative.

For the workmen—Mr. Sunil P. Patil.. Representative.

Mumbai, dated 10th November, 1997

#### AWARD—PART-I

The Government of India, Ministry of Labour by its order No. L-12012/319/95-I.R.(B.II), dated 2-12-96 had referred to the following Industrial Dispute for adjudication.

“Whether the action of the management of Syndicate Bank, Mumbai in dismissing Sri Gangaram Jadhav, Attendant from services w.e.f. 17-7-91 is legal and justified ? If not, what relief the said workman is entitled?”

2. The Syndicate Bank Employees Union filed a Statement of Claim (Exhibit-3) for the workmen Gangaram Jadhav. He was an attendant at Khar, Mumbai Branch of Syndicate Bank the employer. It was alleged that while he was working as an Assistant (supporting staff grade in the Khar Branch) he was suspected for having fraudulently withdrawn Rs. 3,000 and Rs. 1,000 from S. B. Account No. 16006 standing in the name of individual account holder Mrs. Shoba Suvarana by forging her signature on the withdrawal slip. It was also alleged that he had made an entry of Rs. 3,000 in the ledger relating to the said account so as to cover up the fraudulent withdrawals perpetrated by him on 28-8-86. It is alleged that he had made two entries of Rs. 3,000 and Rs. 1,000 with dates 22-8-86 and 24-8-86 respectively in the pass book of Shoba held by him. He was charged with the committing an act of gross misconduct of an act prejudicial to the interest of the bank vide clause No. 19.5(j) of the Bi-partite Settlement.

3. The union pleaded that the charge-sheet which was levelled against the workman is vague. It is averred that the domestic inquiry which was held against the workman was against the Principles of Natural Justice. It is asserted that he was not given an opportunity to defend himself with a proper representative for he was given an opportunity to cross-examine the management witnesses as required. It is averred that the chargesheet is a delayed one and the suspension order which was passed against him was without any support of the Bi-partite settlement.

4. The union pleaded that the findings of the inquiry officer are perverse and the disciplinary authority acted without applying its mind properly. The union prayed that under such circumstances the dismissal order which was passed against the workman be set aside and he may be reinstated in service with continuity and back wages.

5. The management resisted the claim by the written statement (Exhibit-4). It is averred that after due inquiry the charge-sheet was issued to the workman. It is asserted that the domestic inquiry which was held against the workman was as per the principles of Natural Justice. Later on it was found that he was not given proper opportunity. The matter was remanded back and a fresh inquiry officer was appointed. The workman lead evidence before him. The inquiry officer after considering whole evidence before him came to the conclusion that the workman is guilty. The disciplinary authority accepted the reports and awarded the punishment. It is asserted that the findings of the inquiry officer are based on the evi-

dence before him and they are not perverse. It is submitted that the reference may be answered accordingly.

6. The issues are framed at Exhibit-5. The issues Nos. 1 & 2 are treated as preliminary issues. The issues and my findings there on are as follows:

Issues	Findings
1. Whether the domestic inquiry which was held against the workman was against the Principles of Natural Justice?	Yes.
2. Whether the findings of the inquiry officer are perverse?	Yes.

#### REASONS

7. Some of the admitted facts can be said to be as follows:

Gangaram Jadhav was attender at Khar Branch Shoba was his neighbour at Khar. Later on the workman so also Shoba changed their residential accommodation. Shoba had S.B. account No. 15253 in the Branch of Syndicate Bank at Khar. Jadhav was helping her when she used to attend the bank for withdrawals and deposits.

8. On 13-9-86 Shoba found that her account is not properly maintained. She made inquiries with the officials of the bank. The workman then asked her that he will look into the matter and then she left the bank. Thereafter after few days when the workman was on leave the authorities checked up the balance ledger and found that the workman had played a mischief. On 11-11-86, the workman was suspended. Thereafter on 12-1-1987 a charge-sheet was issued to him vide clause 19.5(j) of the Bipartite settlement. Mr. Pai was appointed as an inquiry officer. He carried out the inquiry on 28-7-87 and 9-12-87. The workman was not assisted by any representative nor by the advocate. Mr. Pai, the inquiry officer found the workman guilty and submitted his report dated 14-6-88. The Deputy General Manager who is a disciplinary authority accepted the report and proposed the punishment of dismissal. The Assistant General Manager gave a personal hearing to the workman and directed to reopen the inquiry. Mr. U. V. Kukkuliya was appointed as an inquiry officer. The workman examined Shoba as his witness. Even though he requested for calling all the management witnesses for cross examination who were examined before Pai the first inquiry officer his request was rejected. The second inquiry officer also found him guilty and submitted his report. The Deputy General Manager passed an order of dismissal on 17-9-91.

9. The workman preferred an appeal against that order. The Appellate Authority directed the disciplinary authority to give a personal hearing to the workman which was not granted. After giving a personal hearing to the workman his request was rejected and the order which was held passed was confirmed.

10. Baburao Ramkrishna Pai (Exhibit-12) the first inquiry officer deposed that he had given full opportunity to the workman and conducted a domes-

tic inquiry as per the Principles of Natural Justice. It is argued that an opportunity was given to the workman to bring his representative in the domestic inquiry but he himself told that he is not in a position to do so and he will conduct the inquiry himself. Exhibit-10/G are the proceedings dated 22-7-87. It is signed by the workman. It speaks that an opportunity was given to the workman to bring the defence representative, but, he could not bring him on adjourned date. He said that he is ready to defend his case personally. It appears to me that it is under compulsion. Looking to the charges against him it would have been better on the part of the inquiry officer to further give an opportunity to the workman to bring a representative or take from him in writing that he is in a position to defend his case personally. It is because there are assertions that the workman does not know English. No doubt in the inquiry proceeding there is an endorsement that the workman stated that he understands English and there is no need of a translator. But one does not forget that he is educated up to 8th standard only. Signing in English or saying that he knows English, Hindi, Marathi does not mean that he knows English, to take part in an inquiry proceeding. That is something more. It is only because of this the charge-sheet was translated in Hindi and was send over to the workman.

11. It can be further seen that the workman appears to have cross examined MW-1. He had asked him only few questions. Looking to the allegations made by that witness against the workman in normal course there should have been a very long cross examination. The matter does not stop here. He did not cross-examine MW-2. This is really surprising. It is only because he was not in a position to do so. Under such circumstances Natural Justice demands that the inquiry officer should help such a person and give him an opportunity to get himself represented through proper representative and proceed with the matter. As it is not done in this case I find that the inquiry which was conducted by the first inquiry officer was against the Principles of Natural Justice.

12. It can be seen that the Assistant General Manager by his order dated 10-3-89 directed to reopen the inquiry and directed the inquiry officer to record evidence as parties may adduce and submit his report afresh. I need to comment on the reasons for which he directed reopening of the inquiry.

13. Mr. Kukkuliya was the second inquiry officer. He is no more. On the first day of the hearing the workman's representative submitted that they desired to cross examine the witnesses already produced by the management witnesses who have already deposed as Jadhav the workman was not competent to do the cross-examination of those witnesses properly. After hearing the representative of the management the inquiry officer had ruled out that the inquiry is reopened only for leading fresh evidence and nothing more than that. He had referred to the submissions made by the workman before the Appellate authority dated 30-3-89. After perusal of the order of the Assistant General Manager of reopening of the inquiry which I have already referred to above I find that the inquiry officer was directed to record evidence as parties may adduce. So far as the examination-in-chief of

the management witnesses are concerned it was already on the record. The workman wanted to bring on the record or in other words by cross-examination of those witnesses to adduce the evidence to substantiate his case. That opportunity was not given by the inquiry officer which is against the Principles of Natural Justice. That vitiated the proceedings.

14. One of the contention of the workman is that even though Shoba Suvarna was cited as the management witness she was not examined by the management. It is against the Principles of Natural Justice. I find that there is no substance in this submission because it is the choice of the management which witnesses are to be examined. The duty which is cast upon the management is to supply the copies of all documents and the submissions if any of the witnesses. Here no statement of Shoba was recorded. Therefore there was no question of giving its copy.

15. It is argued on behalf of the workman that the suspension order was without any reasons. I do not find any merit in it because the management can suspend the workman during the inquiry. It is submitted that the charge-sheet is delayed one but there is no merit in it for the reasons which I have already narrated above. It is further argued that the charge-sheet is vague. The charge-sheet is produced alongwith the written statement at Exhibit-15 which is dated 12-1-87. It is an elaborate charge-sheet. All fact are clearly mentioned and the clause on which the bank relies is also mentioned. I do not find any vagueness in the same.

16. So far as the inquiry report of Mr. Pai is concerned it need not be discussed at all. It is because the appellate Authority reopened the inquiry. The Kukkuliya had given his report which is at Exhibit-27. His inquiry proceedings are at Exhibit-25. It can be seen that Kukkuliya had relied upon the testimony of MW-1 & MW-2 alongwith the testimony of Shoba and the workman while submitting his report. I have come to the conclusion that no opportunity was given to workman to cross-examine MW-1 & 2 which he requested. Naturally the evidence which was before the inquiry officer cannot be said to be a complete evidence. The result is that the findings of the inquiry officer are perverse. In the result I record my findings in the points accordingly and pass the following order:

#### ORDER

The domestic inquiry which was held against the workman was against the Principles of Natural Justice and the findings of the inquiry officer are perverse.

The management is allowed to lead evidence to substantiate its action.

S. B. PANSE, Presiding Officer

नई दिल्ली, 27 नवम्बर 1997

का.प्रा. 3166.—श्रौतोगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तरराज में, केन्द्रीय सरकार आन्ध्रा बैंक के प्रबंधतात्व के संबंध नियोजकों और

उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रौतोगिक विवाद में श्रौतोगिक अधिकरण भुवनेश्वर के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-11-97 को प्राप्त हुआ था।

[सं.एन-12012/414/91-आई आर (बी-II)]

सनातन, डैस्क अधिकारी

New Delhi, the 27th November, 1997

S.O. 3166.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Bhubaneshwar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Andhra Bank and their workman, which was received by the Central Government on 25-11-97.

[No. L-12012/414/91-IR(B-II)]

SANATAN, Desk Officer

#### ANNEXURE

#### INDUSTRIAL TRIBUNAL, ORISSA BHUBANESWAR

#### PRESENT :

Sri M. R. Behera, O.S.J.S. (Sr. Branch), Presiding Officer, Industrial Tribunal, Orissa, Bhubaneshwar.

Industrial Dispute Case No. 6 of 1992 (Central)

Dated, Bhubaneshwar, the 12th April, 1997

#### BETWEEN

The management of M/s. Andhra Bank, Satyanagar, Bhubaneshwar.

....First Party-management  
AND

Their workman Sri Prashant Kumar Nanda, At, Betanda, P.O. Prataprudrapur, Balipatra, Distt. Puri.

....Second Party—workman.

#### APPEARANCES :

Sri R. K. Sinha, Law Officer—for the first party—management.

Sri P. K. Nanda—The second party-workman himself.

#### AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following

dispute for adjudication vide their Order No. L-120/414/91-IR(B.II), dated 27-3-92.

"Whether the action of the management of Andhra Bank is justified in not offering further employment to Sh. P. K. Nanda, sub-staff ? If not, to what relief is the workman entitled ?"

2. Both the parties have filed their respective statement of claims and written statement. Issues have been settled. But however, the parties have compromised their dispute and have jointly filed a compromise petition. The fact of compromise has also been endorsed by the Conciliation Cell of the State Legal Aid Board.

3. Ascertained the facts of compromise from the parties. The compromise originated from and out of independent thought of the parties. This Tribunal feels no hesitation accept the compromise. Therefore, the compromise is accepted. The compromise do form part of the Award.

4. The reference is answered in terms of the compromise effectuated between the parties. Dictated & corrected by me.

M. R. BEHERA, Presiding Officer

BEFORE THE HONOURABLE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL (C) ORISSA, BHUBANESWAR

In the matter of I.D. Case No. 6/92(C)

BETWEEN

Andhra Bank—1st Party (Management)

Versus

Compromise Petition

P. K. Nanda—2nd Party (Workmen)

Joint Petition by 2nd Party and 1st Party for an amicable settlement of the dispute as per settlement of the Union with the Management :

1. The 1st Party Management agrees to empanel the name of the 2nd Party Workmen in the list of Temporary Employees for casual engagement in the Bank prepared in terms of Bank level settlement dated 9-1-95 between the Management and the recognised and majority Union of Workmen.
2. The 2nd Party Workmen relinquishes and agrees to withdraw all his claim before the Honourable Tribunal under I.D. Case No. 6/92(C) and agrees for abide by the settlement dated 9-1-95.

3. The 1st Party agrees to extend all the benefits to Workmen made available under settlement dated 9-1-95. The 2nd Party Workmen shall only be entitled under the terms of the settlement dated 9-1-95 and a copy of settlement is enclosed as Annexure 'A' to this settlement.

Therefore both the parties hereby agree to the above terms and pray the Honourable Tribunal to kindly dispose of the I.D. Case on the above terms of settlement under Annexure 'A'.

Witness :

Sd./-

Illegible

Zonal Office, Andhra Bank.

Sd./- Illegible.

By the 1st Party Management.

Sd./-

Illegible

By the 2nd Party Workman.

Dated : 8-4-1997.

MEMORANDUM OF SETTLEMENT ARRIVED AT U/S 12(3) OF THE INDUSTRIAL DISPUTES ACT, 1947 BEFORE SHRI K. D. R. ACHARY, ASSISTANT LABOUR COMMISSIONER (CENTRAL), HYDERABAD IN THE OFFICE ON 9-1-95 BETWEEN THE MANAGEMENT OF ANDHRA BANK, HYDERABAD AND THE ALL INDIA ANDHRA BANK AWARD EMPLOYEES UNION (AIBEA), HYDERABAD IN THE MATTER OF EMPANELMENT AND ABSORPTION OF TEMPORARY CANDIDATES IN SUB-ORDINATE CADRE

In the presence of Sri K. D. R. Achary, Assistant Labour Commissioner (Central), Hyderabad.

On behalf of the Management :

- (1) Shri K. Narayana Murthy, Deputy General Manager (Staff)
- (2) Shri A. V. Suryanarayana Rao, Personnel Manager.
- (3) Shri Koka V. Rao, Staff Manager.
- (4) Shri A. S. Chary, D.C.O. (IP), Personnel Department.

On behalf of All India Andhra Bank Award Employees Union :

- (1) Shri L. K. Nagda, President.
- (2) Shri V. Koteswar Rao, Vice President.
- (3) Shri K. Ravindra Babu, Vice President.
- (4) Shri B. S. R. Mohan Reddy, General Secretary.
- (5) Shri Kamaluddin Surany, Joint Secretary.
- (6) Shri T. Ravindranath, Joint Secretary.
- (7) Shri K. M. Jadhav, Treasurer.

### SHORT RECITAL OF THE CASE

Whereas, Andhra Bank with its Central Office at Hyderabad (hereinafter called the Bank) had engaged some candidates on temporary basis in Subordinate cadre in its branches/offices, due to exigencies of work.

Whereas, the All India Andhra Bank Award Employees Union Hyderabad, a registered union and recognised by the Bank as majority Union (hereinafter called the Union) has raised a dispute demanding empanelment & absorption of temporary candidates of the Bank before ALC (Central) Hyderabad.

Whereas some of such temporary candidates have completed 240 days of service in 12 consecutive months and some have been engaged in the vacancies with intermittent breaks. Whereas some of the temporary candidates have resorted to legal remedy for empanelment & absorption in the Bank; And whereas, the Government of India has stipulated certain norms by way of approach paper as one time measure to resolve the issue, A dispute was raised by the All India Andhra Bank Award Employees' Union before the Assistant Labour Commissioner (Central), Hyderabad on the matter vide letter dated 20-10-94. The dispute was admitted in consultation and discussions were held on 6-12-94, 6-1-95 and finally on 9-1-95. After prolonged discussions, the following terms of settlement have been arrived at to the satisfaction of both the parties before A.L.C. (C)-I Hyderabad.

### TERMS OF SETTLEMENT

(1) Eligibility.—All those temporary candidates engaged by the Bank between 01-01-1982 and 31-12-1989 who have responded to the press Notification of the Bank dt. 28-10-1991 and 31-10-91 and Circular No. 310 Ref. 3/28 dated 18-10-1991 and who have put in a minimum 'service' of 90 days or more during the above period and whose names are declared by Directorate General of Employment & Training, Govt. of India, New Delhi, under approach paper, will be eligible for the benefits under this settlement.

In the case of temporary candidates where litigation is pending as on the date of settlement, the condition that they should have worked only between 01-01-1982 and 31-12-1989 shall not be insisted upon. Provided they agree to withdraw the court cases and undertake to abide by the terms of this settlement.

(2) Maintenance of Seniority Panels.—All eligible temporary candidates will be empanelled district-wise in accordance with the seniority calculated on the basis of number of days worked in the Bank from 01-01-1982 to 16-12-1991 that is, the

last date for submission of applications by the candidates as per press notification and Circular as aforesaid. In the case of such temporary candidates, where litigation is pending their seniority shall be reckoned on the basis of number of days of temporary service, as on the date of settlement.

If there are more candidates with equal length of temporary service, then the date of birth shall be reckoned, preference being given to a person born earlier for empanelment and absorption.

(3) Supply of Seniority Panels to the Union.—After arriving at the seniority panels as mentioned in clause 2, the same will be supplied to the Recognised Union. Discrepancy, if any, pointed by the Union shall be examined.

(4) Period of Validity of the Panels.—It is hereby agreed that the seniority panels proposed under Clause 2 shall be valid until all the candidates in the panels are absorbed and in no case shall they lapse.

(5) Withdrawal of Pending Disputes/Cases.—It is hereby agreed that the benefits of this settlement to candidates whose cases are pending before conciliation officers/Tribunals/Courts shall accrue only on complete withdrawal of such disputes/court cases by the concerned. An Undertaking to this effect shall be furnished by such candidates.

(6) Medical Test.—Absorption of a candidate is subject to his/her being found medically fit by the Bank's Doctor.

(7) Procedure for absorption of temporary candidates who have completed 240 days of service in 12 consecutive months.—Notwithstanding what is contained in Clause 8 (D), all those temporary candidates who have completed 240 days of service in any 12 consecutive months between 01-01-1982 and 16-12-1991 in the Bank shall be absorbed into permanent service of the Bank as and when vacancies are identified by the Bank in the concerned Districts. Such candidates would not be entitled for arrears of wages and back dated weightage in seniority. Provided that the absorption of such candidates under this settlement shall be taken up only after absorption of the candidates who are already regularly empanelled at present after being sponsored in any 12 consecutive months ending changes and who have already put in 240 days of service in any 12 consecutive months ending 16-12-1991. For this clause service will include intervening Sundays/Holidays in addition to the temporary service. However, in cases where litigation is pending, computation of 240 days of service shall be for any consecutive period of 12 months upto the date of this settlement.

(8) Procedure for Empanelment and absorption.—In respect of all eligible temporary candidates, the following procedure will be adopted :—

- (a) All such candidates will be interviewed by the Bank, for being empanelled in the seniority panels under clause 2 of the settlement. Rejection if any, shall be only on the basis of proven criminal record, proven misconduct;
- (b) However, candidates so empanelled shall be placed below the candidates who are already regularly empanelled at present after being sponsored by the concerned Dist. Employment Exchange and interviewed by the Banks their absorption shall be considered in that order.
- (c) The Bank will engage the services of the empanelled candidates under this settlement alongwith already existing panel candidates. If any, in leave vacancies in their respective districts by rotation for a maximum period of 30 days at a stretch till such time, the scope for their absorption arises.
- (d) Vacancies identified by the Bank in subordinate cadre shall be filled up district-wise in the following manner:—
  - (i) Candidates in the regular existing panel as per their seniority shall be considered first.
  - (ii) Then the candidates from the Seniority List (District-wise) prepared as per this settlement shall be considered.
  - (iii) If there are no candidates in the panels as per (i) & (ii) above then the identified vacancy shall be notified by the Central Office to all the Controlling Offices in the state in which the vacancy is proposed to be filled in by calling for options from the candidates in the different district panels in that particular State. Such identified vacancies shall then be filled in by drawing up a state-wise panel. Seniority amongst such optees shall however, be reckoned on the

basis of number of days of temporary service as on 16-12-1991. Filling up of vacancy in the aforesaid manner shall however be subject to the other clauses set out in the settlement.

- (e) Absorption of these candidate shall be subject to rules of Reservation for SC|ST|OBCs etc., as per Government of India policy.
- (f) If any temporary candidate in the panel, on being appointed to a permanent vacancy refuses to accept the offer of appointment his name shall be deleted from the panel.
- (g) Candidates in the panel working temporarily in the Bank may be removed from the panels for good and sufficient reasons to be recorded in the writing after giving him an opportunity to explain, by the Personnel Manager at Central Office.
- (h) If a candidate in the panel fails to report for duty at the branches allotted to work in temporary vacancy, continuously for 3 times within a period of 6 months without giving satisfactory reasons to the Bank, his name shall be removed from the panel.
- (i) Appointments to sub-staff cadre under the scheme meant for dependents of deceased employees under compassionate grounds and other approved schemes will continue.

(9) Educational Qualification.—(a) Any person who after being engaged by the Bank as temporary sub-staff has acquired higher qualification than what is prescribed under the recruitment rules of the Bank, for the sub-staff shall not be disqualified for absorption in terms of the settlement merely on the ground of his higher qualification. However, such candidates are not eligible to be considered for promotion to clerical cadre for a period of 5 years from the date of their absorption.

(b) Further, any person who was possessing higher educational qualification than what is prescribed for the recruitment of sub-staff as on the date of his initial engagement as temporary sub-staff shall not be disqualified for

absorption in terms of this settlement merely on the ground that he has higher qualification. However, he shall not be eligible to be considered for promotion to the clerical cadre for a period of 5 years from the date of his absorption.

10. Removal of Difficulties.—If any, difficulty arises in implementing the settlement, the same will be discussed at the Central Office level by the recognised Union.

11. Compliance Report.—Parties to the settlement shall send compliance report on or before 8-4-1995 to the Asstt. Labour Commissioner (Central), Hyderabad failing which the terms of settlement will be deemed to have been implemented fully.

Representatives of the Management.

1. K. Narayana Murthy.
2. A. V. Suryanarayana Rao.
3. Koka V. Rao.
4. A. S. Chary.

Representatives of the Union.

1. L. K. Nagda.
2. V. Koteswar Rao.
3. K. Ravindra Babu.
4. B. S. R. Mohan Reddy.
5. Kamaluddin Surany.
6. T. Ravindranath.
7. K. M. Jadhav.

WITNESSES :

1. Shri S. V. Krishna Mohan.  
Personnel Officer,  
Personnel Department.
2. Shri K. S. Chandrasekhar.  
Officer,  
Staff Department.

Signed this Nineth day of January, Nineteen hundred ninety five before me.

Sd/-

K. D. R. Achary, Asst. Labour Commissioner (Central)  
Hyderabad.

नई दिल्ली, 21 नवम्बर, 1997

का.आ. 3167.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफ सी आई के प्रबन्धताल के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-97 को प्राप्त हुआ था।

[संख्या एन- 22012/14/96-आई आर (सी-II)]  
लौली माऊ, डैस्क अधिकारी

New Delhi, the 21st November, 1997.

S.O. 3167.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employer in relation to the management of F.C.I. and their workman, which was received by the Central Government on the 17-11-1997.

[No. L-22012/14/96-I.R (C-II)]  
LOWLI MAO, Desk Officer.

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR.

Industrial Dispute No. 32 of 1997.

In the matter of dispute :

BETWEEN

Rajya Sahiv  
Bhartiya Khadya Nigam Karamchari Sangh,  
C/o Bhartiya Khadya Nigam, 5-6 Habibullah  
State,  
Hazratganj, Lucknow.

AND

Senior Regional Manager,  
Food Corporation of India,  
5-6 Habibullah State,  
Lucknow.

AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-22012/14/96-I.R. (C-II), dated 27-1-1997 has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of F.C.I. Haldwani to impose penalty of 'Censure' and recovery of Rs. 13,721/- on account of shortage of wheat in wagons from Shri Laxman Das Narula, A.G.I. (D) is legal and justified ? Whether he is entitled for grant of additional increment w.e.f. 1-1-1982 and Special Grade w.e.f. 1-12-1987 if not, to what relief he is entitled ?"

2. It is unnecessary to give the details of the case as after sufficient opportunity the concerned workman has not filed the claim statement. Hence the reference is answered against the concerned workman for want of prosecution and proof and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 21 नवम्बर, 1997

का.आ. 3168.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की घारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सी एल के प्रबंध तंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-97 को प्रात हुआ था।

[संख्या एल-22012/68/92-आई आर (सी-II)]  
लौली भाऊ, डैस्क अधिकारी

New Delhi, the 21st November, 1997

S.O. 3168.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of W. C. Ltd., and their workmen, which was received by the Central Government on 19-11-97.

[No. L-22012/68/92-IR (C-II)]  
LOWLI MAO, Desk Officer.

## अनुबन्ध

केन्द्रीय औद्योगिक अधिकरण एवं श्रम न्यायालय,  
जबलपुर (म. प्र.)

डी.एन. शीर्षित  
पीठासीन अधिकारी

प्र.क्र. सी जी आई टी/एल सी (आर) (113)/92

जनरल सैक्टरी,  
भारतीय कोयला खदान मजदूर संघ  
मु.पो.-पाथाखेड़ा  
जिला-बैतूल (म.प्र.)

विरुद्ध

—प्रार्थी

महाप्रबन्धक,  
बैस्टर्न कोलफील्ड्स लिमिटेड,  
पाथा खेड़ा एसिया  
जिला-बैतूल (म.प्र.)

—प्रतिप्रार्थी

अवार्ड

दिनांकित 22/10/1997

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश संख्या : एल-22012/68/92- आई.आर (सी-2) दिनांक 18/6/92 के द्वारा निम्नलिखित औद्योगिक विवाद निराकरण के लिए इस न्यायाधिकरण को प्रेपित किया है :—

## अनुसूची

“Whether the action of the management of G.M., W.C. Ltd., Pathakhera in terminating the services

of Shri Kishorilal is justified or not ? If not, to what relief the workman is entitled to ?”

2. दोनों पक्षों को स्वीकार है कि बैस्टर्न कोलफील्ड्स लिमिटेड, पाथाखेड़ा एसिया में शोभापुर कोयले की खदान में श्री किशोरलाल पुत्र पतिराम टि. नं. 279 जनरल मजदूर के पद पर था। श्रमिक के विरुद्ध विभागीय जांच हुई और उसमें यह सिद्ध पाया गया कि उससे वर्ष 86 में 90 दिन, वर्ष 87 में 66 दिन, वर्ष 88 में 73 दिन और जून 89 तक 72 दिन काम किया था। श्रमिक को इस जांच के आधार पर सेवा से पृथक किया गया।

3. नियोजक के अनुसार श्रमिक श्री किशोरी नाल सापरवाही से काम करता था और अकारण ही गैर हाजिर हो जाता था। श्रमिक को बहुत बार अपने चाल चलन में सुधार करने के लिए लिखित चेतावनी वी गई, किन्तु इसका कोई अभर नहीं हुआ है। श्रमिक के चाल-चलन का अभर अन्य श्रमिक पर भी हो रहा था, इस कारण दिनांक 28-9-89 को और 3/10/89 को उसके विरुद्ध विभागीय जांच प्रारंभ की गई। श्रमिक ने इस जांच में अपना उमर प्रस्तुत किया और इस जांच में भाग लिया। श्रमिक ने सभी आरोप स्वीकार किए। इस स्वीकारोंवित के बाद भी जांच अधिकारी ने रिकार्ड का परीक्षण किया और वह पुराप्त की कि आरोप में जो तथ्य लिखे थे, वे रिकार्ड के अनुसार सही थे। जांच अधिकारी ने अपनी रिपोर्ट खान अधीक्षक को प्रस्तुत की, जिन्हें श्रमिक को सेवा मूल्क नहीं करने की अनुशंसा की। दिनांक 9-5-90 को सब एसिया मेनेजर, शोभापुर ने श्रमिक श्री किशोरीलाल को सेवामुक्त किया। इस आदेश के विरुद्ध श्रमिक ने कोई अपील नहीं की।

4. श्रमिक का पक्ष समर्थन इब न्यायालय में कोयला खदान मजदूर संघ ने किया। उनके अनुसार श्रमिक दिनांक 18-12-89 से 15-1-90 तक धीमार रहा और इसका डाक्टरी सर्टिफिकेट दिया। इसके पश्चात श्रमिक को काम नहीं करने दिया। पुरानी तारीखों में श्रमिक के विरुद्ध आरोप लगाए गए हैं। तथा विभागीय जांच कराई गई। जांचकर्ता अधिकारी ने धोखा देकर श्रमिक के हस्ताक्षर विभागीय जांच में प्राप्त किए। श्रमिक अनुसूचित जाति का सदम्य है और वह केवल हस्ताक्षर करना जानता है। श्रमिक पक्ष-लिखना नहीं जानता। श्रमिक को सेवामुक्त का आदेश वर्ष 91 में दिया गया। श्रमिक को बहुत कठोर दण्ड दिया गया।

5. विभागीय जांच का पूरा रिकार्ड न्यायालय में प्रस्तुत किया गया। इसके अध्यालोकन से ज्ञात होता है कि वर्ष 86 में श्रमिक ने केवल 90 दिन कार्य किया, वर्ष 87 में 66 दिन, वर्ष 88 में 73 दिन और

जून, 89 तक 72 दिन रहा किया। इसका कोई भी स्पष्टीकरण दूसरे न्यायालय में श्रमिक ने नहीं दिया कि वह 4 बर्षों तक अपने काम से किम कारण अनुपस्थित होता रहा। श्रमिक को इस बात का समाधान कराना आवश्यक था कि वह उचित कारणों से अनुपस्थित रहा है। श्रमिक ने इसका कोई स्पष्टीकरण ही नहीं दिया। अकारण ही काम में अनुपस्थित रहना गंभीर कदाचरण है। विषेष रूप में जब कि नियोजक ने नगानार श्रमिक को लिखित नोटिस दिया है। कि वे अपनी श्रादत में सुधार करें और नियमित रूप से काम कर उपस्थित हों। प्रे सभी नोटिस वर्ष 84 में वर्ष 89 तक के हैं। श्रमिक पर इन नोटिसों का कोई प्रभाव नहीं पड़ा।

6. विभागीय जांच में जो प्रक्रिया अपनाई गई, वह विधिवत है। जांच अधिकारी ने श्रमिक द्वारा शारीर स्वीकार किए जाने के बाद भी सभी लिखों का परीक्षण किया है और इस बात से संतुष्टि की है कि वास्तव में श्रमिक अकारण ही काम से अनुपस्थित रहा है। श्रमिक ने विभागीय जांच की प्रत्येक बैठक में अपने हस्ताक्षर किए हैं। विभागीय जांच में अपनाई गई प्रक्रिया विधिवत है।

7. श्रमिक को जो दण्ड किया गया, वह उम्मीद गलतियों के अनुपान में सही है। श्रमिक को नगानार चेतावनी नियोजक ने अनुपस्थिति के बारे में दी है, इसका बोई अभर श्रमिक पर नहीं हुआ, तब उसके बिल्कुल विभागीय जांच की गई और दोषी पाये जाने पर उसे सेवा मुक्त किया गया है। श्रमिक को दी गई सजा न्यायोचित है तथा इसमें हस्तक्षेप की आवश्यकता नहीं है।

8. ऊपर लिखी विवेचना का यह निष्कर्ष है कि श्रमिक श्री किशोरीलाल किसी भी महाप्रता पाने का अधिकारी नहीं है। उसे दी गई सजा की पुष्टि की जाती है। इस प्रकरण में नियोजक के द्वारा की गई कार्यवाही की पुष्टि की जाती है। यही इस प्रकारण का अवारं है। दोनों पक्ष इस प्रकरण का अपना-अपना व्यय बहन करें।

9. अबार्ड की प्रतियां नियमानुसार भारत सरकार, श्रम मंत्रालय को प्रेपित की जाती हैं।

डॉ. एन. शोक्त, पीठासीन अधिकारी

नई दिल्ली, 21 नवम्बर, 1997

का.आ. 3169 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुभरण में, केन्द्रीय सरकार एस सी एल के प्रबन्ध तंत्र के संबंध नियोजक और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण,

हैदराबाद के पंचपट की प्रकाशित कांती है, जो केन्द्रीय सरकार द्वारा 20-11-97 को प्राप्त हुआ था।

[मुद्रा प्र०-22012/85/95-श्राई आर (नी-II)  
लौकी माऊ, डैम्स अधिकारी

New Delhi, the 21st November, 1997

S.O. 3169.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on the 20-11-97.

[No. L-22012/85/95-IR (C-II)]  
TOWI MAO, Desk Officer

#### ANNEXURE

##### BEFORE THE INDUSTRIAL TRIBUNAL, HYDERABAD

Present :—

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated, 14th day of October, 1997

##### INDUSTRIAL DISPUTE NO. 80 OF 1995

##### BETWEEN

The General Secretary,  
Singareni Coal Mines Labour Union (INTUC)  
Post Yellandu, Khammam District. .. Petitioner

AND

The General Manager,  
Singareni Collieries Company Ltd.,  
Yellandu. .. Respondent

Appearances :—

M/s. G. Vidyasagar, Smt. K. Udaya Sree and P. Sudhir Rao, Advocates for the petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates for the respondent.

#### AWARD

The Govt. of India, Ministry of Labour, New Delhi, by its order No. L-22012/85/95-IR (C-II) dated 4-10-95 referred the following dispute u/s. 10(1)(d) and 2-A of Industrial Disputes Act, 1947 for adjudication.

"Whether the action of the management of Singareni Collieries Company Ltd., Yellandu in dismissing Sh. Jarupulla Saija, Ex-General Mazdoor, workshop, J. K. Open cast, is legal and justified? If not, what relief the workman is entitled to?"

Both the parties appeared and filed their pleadings.

(2) The concerned workman filed claim statement contending as follows :—

The Workman, Jarupulla Saija herein after called as petitioner joined the services of the respondent company as coal-filler on 5-2-1980. He was converted as General Mazdoor and confirmed in 1987. He was working in 2nd shift in J. K. Open cast mine on 22-11-93. While on duty, the petitioner fell sick and was suffering with dysentery. On that day he went to the toilet and kept the cycle in the stand and the cycle was locked. A person called him and enquired about certain material lying nearby there. He was forced to carry the material to the security office and threatened that the material belongs to

him. He was served with charge sheet alleging that he was caught red handed by S. & P. C. special patrolling party on 22-11-93 at about 8-40 P.M. while taking away two members of slave servos from J. K. Open cast workshop. Thereafter the petitioner was dismissed from service. There petitioner was not given an opportunity to be represented by a co-worker. He was not allowed to examine the management witnesses for allowed to cross examine the statements made on behalf of the management. The petitioner was furnished with an enquiry report. The petitioner submitted a detailed representation requesting to conduct a fresh enquiry as the entire proceedings were taken in english and were not explained to him. The enquiry officer being a Sr. Personal Officer of the company threatened and coerced the petitioner to sign on the papers without disclosing the contents. Though the enquiry officer held that the charges are proved against him, the enquiry officer failed to see that the material objects were not produced before him. There is no evidence to prove that the objects belong to the company, value of the property and relevant particulars before holding that the petitioner is guilty of the charge. The enquiry officer failed to see that the original the alleged confession statement was not produced before him and on the xerox copies the signature of the petitioner was obtained without disclosing the contents. Hence, the proceedings of the enquiry officer are in violation of principles of natural justice. The dismissal order may be set aside. The petitioner is entitled to reinstatement with full back-wages.

(3) The respondent filed a counter contending as follows :—

The petitioner was on duty in IIInd shift on 22-11-93 in J. K. Open cast mine. There was no report of his sickness or any evidence of his co-worker in this regard. The petitioner was caught red-handed by security and protection corps. (S&PC) Special Patrolling Party at road side of compound wall of open cast work shop while he was taking away two numbers of slave servos (part of dumper). He confessed to have committed the theft. The enquiry was conducted. He was dismissed from service after following the procedure. The petitioner did not avail the opportunity of having services of his co-worker. The contents of the depositions were read over and explained to him in telugu. He was given opportunity to cross examine the management witnesses. Thereafter he admitted the commission of offence in the domestic enquiry. The Tribunal may decide the issue of validity of domestic enquiry as a preliminary issue. Though management is taking all necessary steps to commit thefts at mines and departments, it is found that sometimes very valuable and important material is being stolen which is adversely affecting the production and thereby affecting earnings of the company. The petitioner agreed in writing that he committed the theft. Hence, the petitioner is not entitled to any relief.

(4) The respondent filed the record of domestic enquiry into this tribunal. Both the parties were heard and by an order dated 19-9-96, this tribunal held that the enquiry was not conducted as per the principles of natural justice and so invalid. However, the respondent management was given permission to lead evidence in this tribunal in proof of misconduct. The respondent examined MWs 1 to 6 and filed Exs. M1 to M16. The petitioner examined himself as WW1 and filed Exs. W1 to W6.

(5) The point for consideration is :

“Whether the respondent is justified in dismissing the petitioner-workmen ?”

(6) Point : The petitioner has been working as General Mazdoor (helper under fitter) in workshop in J. K. Open cast mine. The allegation against him is that on the night of 22-11-93 at about 8-40 P.M. He was caught red handed by the special patrolling party of the respondent while taking away two members of slave servos (parts of dumper) on his cycle. He was found behind the stores. He was caught by MW2, Security Jamedar, and MW3.

security guard. Both of them caught the petitioner and took him, his cycle, MO1 and MO2, slave servos and MO3, gunny bag, to the security office and entrusted them to MW1, the Jr. Inspector. The petitioner gave Ex. M1, statement admitting his mistake. MW1 handed over MO1 and MO2, cylinders to the Sr. Inspector, who in turn sent them to the agent of the mine with his report Ex. M-2. Thereafter the petitioner was suspended. The enquiry was conducted and the petitioner was dismissed from service.

(7) The petitioner denies the commission of theft. He says that while he was returning from Vagu after answering the calls of nature, he was asked by the security people to pick up some articles near the wall of the stores and the case is foisted against him.

(8) We have the evidence of MWs 2 and 3, Jamedar and guard respectively, who have actually caught the petitioner red-handed while he was taking MOs 1 and 2, slave servos in MO3, gunny bag, on the carrier of his cycle. Both of them took the petitioner and the articles to MW1 before whom the petitioner gave Ex. M1, confession statement. The petitioner also admitted in his cross-examination in this tribunal, that he has no enmity with MWs 1 to 3. MWs 2 and 3 were cross-examined at length and nothing is elicited to disbelieve their evidences. The only discrepancy is MW2 stated that when he opened the gunny bag, MO3 in the security office, he found MOs 1 and 2, cylinders in it, whereas MW3 stated that they opened the gunny bag on the way itself.

(9) The evidence of MW4, who is incharge of stores is that they purchased slave servos from a company at Vijaywada, as per Exs. M3 and M4 documents and supplied the same to the workshop as per Exs. M-5 to M-7 documents. The evidence of MW5 is that he is incharge of the repairs of the dumpers operated in the workshop. The slave servos are fixed in dumper. He found the theft of three slave servos in dumper No. 4628 on 23-11-93, in his routine inspection. He reported the matter to the Dy. Chief Engineer who is his immediate superior, who in his turn gave Ex. M8 report to the Security Inspector. MW6, the Superintendent of mines referred to the enquiry against the petitioner and his dismissal.

(10) The petitioner examined himself as WW1 denying the theft. He deposed that he was working in the workshop as helper under a fitter. He admitted that dumper repairing area is at a distance of 12 yards from the stores that is his place of his work. He loads the dumpers with earth or coal and also applies the grease and oil to servos. The petitioner has knowledge of all these slave servos, access to them and has opportunity to commit theft. There is absolutely no material to disbelieve the evidence of the management witnesses with regard to the theft.

(11) So far the quantum of punishment is concerned, the learned counsel for the petitioner, requested this tribunal to invoke Sec. 11-A of I.D. Act and reduce the punishment, as the petitioner put more than 13 years of service by the date of theft. The theft of articles of the master by the servant is a serious misconduct. The Supreme Court in the case of RUSTON & HORNSBY (I) LTD. Vs. T.B. KADAM (1976 (3) S. C. page 71) held that the charge of an attempt to steal against a watchman is a serious charge warranting dismissal, if, proved. Similarly, The Madras High Court in the case of T. SERALAN Vs. THE P. O. II ADDL. LABOUR COURT. (1986 (2) page 85) held that a stores attender in the canteen who had put in 17 years of unblemished service was rightly dismissed from service for the proved misconduct of theft of canteen coupons of the value of Rs. 24.48/- . In our case, the evidence of Management witnesses is that each slave servo is worth of Rs. 3,350. The petitioner committed theft of slave servo worth of Rs. Rs. 6,700. So, he does not deserve any mercy.

(12) In the result, an Award is passed holding that the respondent is justified in dismissing the petitioner from service.

Dictated to the steno-typist, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, on this the 14th day of October, 1997.

Witnesses examined for the petitioner :—

WW-1 : Jarupula Sajja.

Witnesses examined for the respondent :—  
 MW1 : D. Pratap Reddy  
 MW2 : Poturi Sree Krishna  
 MW3 : Abdul Rahim  
 MW4 : V. Venkat Narayana Rao  
 MW5 : B. Satyanarayana  
 MW6 : D. Satyanarayana

Documents marked for the petitioner :—

Ex. W1 : Representation dated 1-3-94 of the petitioner.  
 Ex. W2 : Representation dtd. 8-3-94 of the union.  
 Ex. W3 : Representation dtd. 10-4-94 submitted by the union before the A.C.L, Vijaywada.  
 Ex. W4 : Views of the union dtd. 27-9-94, submitted before the A.C.L.  
 Ex. W5 : Representation dtd. 8-3-95 of union before the A.C.L.  
 Ex. W6 : Representation dtd. 3-6-95 of the union submitted before the Govt. of India.

Documents marked for the respondent :—

Ex. M1 : Statement dtd. 22-11-93 of the petitioner, Jarupula Sajja.  
 Ex. M2 : Report dtd. 23-11-93 of Sr. Inspector sent to the Agent.  
 Ex. M3 : Form order for supply of slave servos.  
 Ex. M4 : Enclosure to Ex. M3—relevant entry at item No. 44.  
 Ex. M5 : Stores bin card for receipt of slave servo cylinders.  
 Ex. M6 : Indent-cum-voucher for supply of material.  
 Ex. M7 : Letter dtd. 28-11-96 to the agent, opencast project, together with a copy of the list.  
 Ex. M8 : Report dtd. 24/28-11-93 to the Sr. Inspector.  
 Ex. M9 : Log book entry for the period from 20-6-92 to 30-6-92.  
 Ex. M10 : Charge sheet dtd. 26-11-93.  
 Ex. M11 : Explanation dated 28-11-93.  
 Ex. M12 : Findings of the enquiry officer in the enquiry report.  
 Ex. M13 : Notice dtd. 31-12-93 forwarding the enquiry report and proceedings.  
 Ex. M14 : Letter dtd. 27-12-93 of the manager to the General Manager, recommending for dismissal of Jarupula Sajja.  
 Ex. M15 : Representation dtd. 5-2-94 of the petitioner.  
 Ex. M16 : Dismissal order dated 15-2-94.

Material objects :—

MO1 : Cylinder (slave servo)  
 MO2 : Cylinder (slave servo)  
 MO3 : Gunny bag.

नई दिल्ली, 21 नवम्बर, 1997

का. आ. 3170.— औद्योगिक विषाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एवं सी आई के प्रबन्ध तंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विषाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/11/97 को प्राप्त हुआ था।

[संख्या ए.ल-22012/105/एफ/93-प्राइमार (सी-II)]  
 तौली माऊ, ईस्क अधिकारी

New Delhi, the 21st November, 1997

S.O. 3170.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on 19-11-1997.

[No. L-22012/105/93-IR (C-II)]

LOWLI MAO, Desk Officer

अनुबन्ध

केन्द्रीय थम औद्योगिक अधिकरण एवं थम न्यायालय,

जबलपुर म०प्र०

दी०१०८० वीक्षित

पीठासीन अधिकारी

प्र०क० सीजीआईटी/एलसी(आर) (129)/93

जनरल सेक्रेटरी,

फूड कार्पोरेशन ऑफ इंडिया

एम्प्लाईज कॉम्प्रेस,

एलआईजी 8/86, सरिता काम्प्लेक्स,

5 न० बस स्टाप के पास,

भोपाल-462 016

—प्रार्थी

वि०

वरिष्ठ क्षेत्रीय प्रबंधक,

फूड कार्पोरेशन ऑफ इंडिया,

बेतक बिल्डिंग, एम०पी० नगर,

हबीबगंज, भोपाल (म.प्र.)

—प्रतिप्रार्थी

अवार्ड

दिनांकित: 15-10-1997

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने अदेश संख्या एल-22012/105/क/93-आईआर० (सी-2) विनांकित 28-6-93 के द्वारा निम्नांकित औद्योगिक विवाद निराकरण के लिए इस अधिकरण को प्रेरित किया है:—

अनुसूची

"Whether the action of the management of Food Corporation of India, Regional Office Bhopal, is justified in not granting increment to the employees of Corporation who are under suspension on the date of their increments and in not paying subsistence allowance on the revised wages after granting increments ? If not, to what benefits the concerned workmen are entitled to ?"

2. स्वीकृत तथा यह है कि प्रतिशार्थी फूड कार्पोरेशन आफ ईडिया, भारत सरकार का उपकरण है तथा अनाज और तिलहन का व्यवसाय करता है। मध्य प्रदेश में इनका मूल्य कार्यालय भोपाल है, जिसके अंतर्गत मध्यप्रदेश के इस कार्पोरेशन के सभी कार्यालय आते हैं। श्रमिकों की यूनियन इस प्रकरण में प्रार्थी है। प्रतिशार्थी कर्मचारियों के निलंबन में जाने पर वापिक वेतनवृद्धि नहीं देती।

3. श्रमिक यूनियन के अनुसार निलंबन दंड नहीं है। जो भी कर्मचारी निलंबन में रहते हैं, उनको वापिक वेतन-वृद्धि पाने की पात्रता है। इसी आधार पर उनको निर्वाह भता की पात्रता है। प्रतिशार्थी की मध्यप्रदेश शाखा ऐसा नहीं करती, जिसके कारण निलंबित कर्मचारियों को आधिक कठिनाईयां उठानी पड़ती हैं।

4. प्रतिशार्थी के अनुसार फूड कार्पोरेशन के स्टाफ रेगुलेशन, 1971 के अनुसार निलंबित कर्मचारी को नियम 66(6) और (7) के अनुसार निर्वाह वेतन पाने का अधिकार है। रेगुलेशन, 71 के नियम 86 का लाभ निलंबित कर्मचारी प्राप्त नहीं कर सकते। कार्पोरेशन के कर्मचारियों के संबंध में केवल फूड कार्पोरेशन स्टाफ रेगुलेशन, 1971 के अनुसार ही निर्वाह वेतन पाने की पात्रता है।

5. कर्मचारी यूनियन की ओर से मध्य प्रदेश उच्च न्यायालय जबलपुर याचिका क्रमांक: 1132/85, जबाहरलाल जैन विद्वान नगरपालिका निगम, जबलपुर का न्याय सिद्धान्त प्रस्तुत किया गया है। इस प्रकरण के सथित ये हैं कि श्री जबाहरलाल जैन निलंबित कर्मचारी थे और इनको निलंबन की अवधि में वापिक वेतन भता नहीं दिया गया था। माननीय मध्यप्रदेश उच्च न्यायालय ने यह पाया कि निलंबन दण्ड नहीं है तथा कोई भी प्रावधान नियमों में नहीं है, जिसके अनुसार निलंबित कर्मचारी को वेतन वृद्धि पाने से रोका जाए।

6. नियम 86 (फूड कार्पोरेशन स्टाफ रेगुलेशन, 1971) के अनुसार फूड कार्पोरेशन के प्रत्येक कर्मचारी/अधिकारी को

वापिक वेतन वृद्धि पाने की पात्रता रहेगी। वेतन वृद्धि केवल तभी रोकी जावेगी, जब रोकने का दंड दिया गया हो।

7. नियम 86 में ऐसा कोई उल्लेख नहीं है कि निलंबित कर्मचारी को वेतन वृद्धि पाने वी जावेगी। प्रतिशार्थी स्वीकार करते हैं कि निलंबन का स्वरूप वार्डक नहीं है। इसका निष्कर्ष है कि जो भी सुविधाएं कर्मचारी पाने का पात्र हैं, वह निलंबन की अवधि में उसे दी जाए। नियम 86 (6) में भी उल्लेख है कि निलंबित कर्मचारी को किया जाता और दूसरे काम्पेनेटरी अलाउंस दिए जायेंगे। मैं यह पाता हूँ कि निलंबित कर्मचारी निलंबन की अवधि में वापिक वेतनवृद्धि पाने की पात्रता है। इसी की दूसरी सहायता यह है कि जब भी वापिक वेतन वृद्धि मिलेगी तो नियम 66(6) और (7) के अनुसार निर्वाह वेतन में परिवर्तन होगा।

8. श्री जबाहरलाल जैन के प्रकरण में कार्डका-5 में माननीय मध्य प्रदेश उच्च न्यायालय ने यह पाया है कि वापिक वेतनवृद्धि वेतन का ही एक अंश है। वापिक वेतन वृद्धि प्रतिवर्ष कर्मचारी को पाने की पात्रता है।

9. प्रतिशार्थी कार्पोरेशन की ओर से ऐसा कोई नियम या अदेश नहीं बताया गया, जिसमें यह उल्लेख हो कि निलंबित कर्मचारी को वापिक वेतन वृद्धि नहीं दी जाए। मध्यप्रदेश उच्च न्यायालय के निर्णय (जबाहरलाल जैन वि. नगरनगम, जबलपुर) के प्रकाश में वर्तमान रिफरेंस का निराकरण किया जाता है।

10. उपर लिखी व्याख्या के अनुसार फूड कार्पोरेशन की मध्य प्रदेश शाखा के सभी निलंबित कर्मचारी वापिक वेतन-वृद्धि पाने के पात्र हैं तथा उसी अनुसार उनके निर्वाह वेतन निर्धारित किए जाएं। दोनों पक्ष इस प्रकरण का अपना अपना अध्ययन करें।

11. अवार्ड की प्रतियां नियम अनुसार भारत सरकार श्रम मंत्रालय को भेजी जाती हैं।

टी.एन. दीक्षित, पीठासीन अधिकारी

नई दिल्ली, 21 नवम्बर, 1997

कांआ० 3171.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस ई सी एल के प्रबन्ध तंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्धारित ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकारी, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-97 को प्राप्त हुआ था।

[संख्या एल-22012/115/१३-आईआर० (सी-II)]

लौसी माउ, डैस्क अधिकारी

New Delhi, the 21st November, 1997

S.O. 3171.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.E.C. Ltd. and their workmen, which was received by the Central Government on 19-11-97.

[No. L-22012/115/93-JR(C-II)]  
LOWLI MAO, Desk Officer  
अनुबन्ध

केन्द्रीय औद्योगिक न्यायाधिकरण एवं श्रम न्यायालय, जबलपुर  
मंप्र०

डी०एन० दीक्षित  
पीठासीन अधिकारी

प्र०क० सीजीआईटी/एलसी/ (आर) (154)/93

श्री नेत्र बहादुर थापा  
पुत्र श्री गणेश बहादुर थापा  
22/1, सुब्राईनगर, भोपाल (मप्र)  
—प्रार्थी

विषय  
जनरल मेनेजर,  
साउथ हिस्टन कोलफील्ड लि०,  
ई-2/43, अरेरा कालोनी,  
भोपाल (मप्र) 462016  
—प्रतिप्रार्थी  
अवार्ड

दिनांकित : 24-10-1997

1. भारत सरकार, श्रम मंत्रालय, नई दिल्ली ने अपने आदेश सं० ए.ल-22012/115/93-आई०आर० (सी०-2) दिनांकित 13-8-1993 के द्वारा निर्मार्लिखत औद्योगिक विवाद निराकरण के लिये इस अधिकरण भेजा है:—

अनुसूची

“Whether the action of the management of S.E.C. Ltd., Bhopal, in terminating the services of Shri Netra Bahadur Thapa S/o Shri Ganesh Bahadur Thapa, without any reason/enquiry is justified? If not, to what relief the workman is entitled to?”.

2. श्री नेत्र बहादुर थापा पुत्र श्री गणेश बहादुर थापा ने जो वर्तमान प्रकरण में श्रमिक है, यह निवेदन किया है कि उनकी नियुक्ति कुक के पद पर दिनांक 2-11-89 को कोल हिस्टिया कार्यालय, नई दिल्ली में हुई थी। इस कार्यालय ने श्रमिक को भोपाल ट्रांसफर किया और श्रमिक ने दिनांक 9-8-90 से भोपाल कार्यालय में काम करना पुरु किया।

दिनांक 11-9-92 तक श्रमिक ने भोपाल कार्यालय में काम किया और इस दिनांक को अकारण ही श्रमिक को सेवा से पृथक कर दिया गया। श्रमिक ने सेवासमाप्ति के पूर्व एक वर्ष में 240 दिन से ज्यादा लगातार कार्य किया है। इस कारण उसकी हैरियत स्थाई कर्मचारी की हो गई है। श्रमिक को छठनी मुआवजा नहीं दिया गया। इस आधार पर उसकी छठनी अवैध है। श्रमिक ने अपने कार्य में कोई दुरावरण नहीं किया तथा उसे कोई नोटिस भी नहीं दिया गया। श्रमिक ने अपने अंभसापक के मध्यम से प्रतिप्रार्थी को दिनांक 17-9-92 को नोटिस दिया, किन्तु प्रतिप्रार्थी ने इस संबंध में कोई कार्यवाही नहीं की। नोटिस का उत्तर भी नहीं दिया। श्रमिक चाहता है कि उसकी सेवासमाप्ति को अनुचित एवं अवैध घोषित किया जाए। सेवा समाप्ति की दिनांक 11-9-92 से पुनः सेवा में लेने तक नियम के अनुसार बेतन और भत्ते दिये जाएं।

3. प्रतिप्रार्थी/नियोजक के अनुसार उसको यह ज्ञान नहीं है कि श्रमिक को नियुक्ति कोल हिस्टिया कार्यालय, नई दिल्ली में हुई थी। यह भी ज्ञान नहीं है कि श्रमिक ट्रांसफर में दिल्ली से भोपाल आया था। प्रतिप्रार्थी के अनुसार दिनांक 1-12-91 से फर्म सेक्यूरिटी एंड बिटेक्टिव कॉर्पस, भोपाल को एस्ट-हाउस के लिए एक कुक और ड्राइवर की सेवाएँ देता था। ये दोनों यामगार इस फर्म ने प्रतिप्रार्थी को दिये और निर्धारित राशि इस फर्म को दी गई। श्रमिक कभी भी प्रतिप्रार्थी का कर्मचारी नहीं रहा। श्रमिक ने स्वेच्छा से अपना कार्य दिनांक 11-9-92 को छोड़ दिया। श्रमिक के जाने के बाद ऊपर लिखी फर्म ने दूसरा कुक एस्ट-हाउस के लिये भेजा। वर्तमान विवाद औद्योगिक विवाद नहीं है। प्रतिप्रार्थी, कुक के लिए फर्म को 1100/- रुपये प्रतिमाह देता था, जिसमें से रुपये 950/- कुक को प्रतिमाह यह फर्म देती थी। श्रमिक और प्रतिप्रार्थी के बीच श्रमिक और नियोक्ता का संबंध नहीं है। प्रतिप्रार्थी चाहता है कि वर्तमान याचिका व्यय सहित निरस्त की जाए।

4. प्रतिप्रार्थी डिप्टी जनरल मेनेजर, एस०ई०सी०एल०, भोपाल ने अपने याचाव-वादे में यह कहा है कि श्रमिक श्री नेत्र बहादुर थापा और उनके बीच श्रमिक और नियोक्ता का संबंध ही नहीं था। पूरा याचावदावा इसी आधार पर है कि वर्तमान श्रमिक कभी भी प्रतिप्रार्थी का कर्मचारी नहीं रहा।

5. प्रबंश-दी-1, जनरल मेनेजर, सीआईएल, नई दिल्ली द्वारा लिखा गया टेलेक्स है, जो सीएमडी, एसईसीएल, बिलासपुर को भेजा गया। इस पत्र में स्पष्ट उल्लेख है कि दिनांक 9-9-90 के पत्र का अवलोकन करिए, जो श्री नेत्र बहादुर थापा कुक के भोपाल स्थानांतरण के संबंध में है। श्री थापा को अस्थाई रूप से दिनांक 2-11-89 से दर्तिक बेतन भोगी कर्मचारी नियुक्त किया गया था और उसे प्रतिदिन रुपये 28.35 पाने की पावता थी। इसे दिनांक 9-8-90 तक बेतन दिया जा चुका है। इस टेलेक्स के अवलोकन से यह स्पष्ट ज्ञात होता है कि श्री नेत्र बहादुर थापा

प्रतिप्रार्थी के नई दिल्ली कार्यालय में कुक का कार्य कर रहे थे और उनको अस्थाई रूप से 2-11-89 को नियुक्त किया गया था तथा उनको भोपाल कार्यालय में ट्रांसफर पर भेजा गया। इनको दिनांक 9-8-90 तक दिल्ली कार्यालय से बेतन दिया गया। प्रतिप्रार्थी का यह कहना गलत है कि वे श्रमिक को जांचने ही नहीं थे और श्रमिक ट्रांसफर में दिल्ली से भोपाल नहीं आया था।

6. प्रदर्श-पी-2, जनरल बेनेजर, कोल ईंडिया लिमिटेड, नई दिल्ली का पत्र है, जो उन्होंने दिनांक 17-5-91 को प्रतिप्रार्थी जनरल बेनेजर, एस०ई०सी०एल० भोपाल को लिखा। इस पत्र में यह उल्लेख है कि श्रमिक श्री नेत्र बहादुर थापा दिनांक 2-11-89 से दिल्ली आर्किस में दैनिक बेतन भोगी कर्मचारी के रूप में कार्यरत थे और इनको दिल्ली कार्यालय से भोपाल स्थानांतरित किया गया। इनको दिनांक 9-8-90 तक वा बेतन दिल्ली कार्यालय से दिया। इस पत्र से भी यह सिद्ध होता है कि श्रमिक श्री नेत्र बहादुर थापा को दिल्ली कार्यालय से भोपाल कार्यालय दिनांक 9-8-90 को ट्रांसफर पर भेजा था। उस समय श्रमिक दैनिक बेतन भोगी कर्मचारी थे और उनका बेतन प्रतीक्षण ३पये 28-85 था।

7. प्रदर्श-पी-3, दिनांक 31/7/91 का श्रमिक का पत्र है, जो उसने प्रतिप्रार्थी को लिखा है। इसमें यह उल्लेख है कि 9-8-90 के आदेश के द्वारा उसका ट्रांसफर दिल्ली कार्यालय से भोपाल कार्यालय को किया गया और उसने 11-8-90 को भोपाल कार्यालय में कुक के रूप में कार्य करना स्वीकार्य किया। श्रमिक ने यह प्रार्थना की है कि उसने भोपाल कार्यालय में एक वर्ष कार्य पूर्ण कर लिया है, इस कारण उसे स्थाई किया जाए।

8. प्रदर्श-पी-4, पत्र द्वारा प्रतिप्रार्थी श्री जे० पी० शर्मा ने श्रमिक का पत्र दिनांक 31-7-91 सी०एम०डी, एस ई०सी०एल, विलासपुर को भेजा है। इस पत्र में यह उल्लेख है कि श्रमिक को रूपये 800/- प्रतिमाह ठेका पर पारिश्रमिक दिया जाता रहा है।

9. प्रदर्श-पी-5, पत्र प्रतिप्रार्थी ने 18-5-91 को सीजीएम, एसईसीएल, विलासपुर को भेजा है। इस पत्र के द्वारा 17-5-91 का जनरल बेनेजर, सीआईएल का पत्र की प्रतिलिपि भेजी गई है। इस प्रकार प्रतिप्रार्थी को ज्ञान था कि श्रमिक श्री नेत्रबहादुर थापा दिल्ली कार्यालय में कुक के पद पर पदस्थ था और वहां से इसे इसी पद पर भोपाल कार्यालय भेजा गया था।

10. प्रदर्श-पी-6, पत्र जनरल बेनेजर, कोल ईंडिया लिमिटेड के श्री ए० के० तुली ने दिनांक 9-8-90 को प्रतिप्रार्थी को लिखा है, इसमें यह उल्लेख है कि सीएमडी, एस ई०सी०एल के निर्देश के मुताबिक श्री नेत्र बहादुर थापा को गेस्ट-हाउस भोपाल ट्रांसफर में भेजा जा रहा है। इस पत्र से सिद्ध हो जाता है कि श्रमिक श्री नेत्र बहादुर थापा को दिल्ली से भोपाल ट्रांसफर में भेजा गया है।

11. प्रदर्श-डी-3, एग्रीमेंट प्रतिप्रार्थी और फर्म स्वेच्छा एंड डिटेक्टिव कोर्पस के बीच हुए अनुबंध का है। यह अनुबंध दिनांक 1-12-90 से प्रभाव से आया है। इसके पूर्व ही दिनांक 11-8-90 को श्रमिक श्री नेत्रबहादुर थापा प्रतिप्रार्थी के भोपाल कार्यालय में आ चुका था और काम प्रारंभ किया था। यह सिद्ध हो गया है कि श्रमिक के भोपाल कार्यालय में कार्य शुरू करने के पश्चात् प्रतिप्रार्थी श्री जे० पी० शर्मा ने ड्राइवर और कुक लेने का अनुबंध फर्म से किया।

12. श्रमिक श्री नेत्रबहादुर थापा ने कभी भी स्वेच्छा से अपनी सेवाएं फर्म स्वियूरिटी एंड डिटेक्टिव कोर्पस को नहीं दी। ऐसी स्थिति में यह निकर्प नहीं निकाला जा सकता कि श्रमिक जो भी कार्य भोपाल कार्यालय में करता था, उसका भुगतान उसे फर्म स्वियूरिटी एंड डिटेक्टिव कोर्पस के द्वारा किया जाता था।

13. प्रतिप्रार्थी के अनुसार श्रमिक ने स्वयं दिनांक 11-9-92 को काम करना छोड़ दिया। श्रमिक इस बात से मना करता है। प्रतिप्रार्थी की ओर से इस संबंध में कोई लिखित या मौखिक साक्ष्य नहीं दी गई। इस प्रकार में श्री जी० पी० नायर, अकाउंटेंट का शपथ-पत्र दिया गया है। इन्होंने अपने प्रतिपरीक्षण की कंडिका-1 में स्वयं कहा है कि श्रमिक इनके मात्रही में कार्य नहीं करता था। इस प्रकार श्रमिक की सेवा शर्त के संबंध में प्रतिप्रार्थी की ओर से किसी भी अधिकारी या कर्मचारी के कथन नहीं कराए गए। इसके विपरीत श्रमिक ने स्वयं का शपथ-पत्र प्रस्तुत किया और इस पर उसका प्रतिपरीक्षण दुश्मा।

14. दिनांक 11-8-90 से 1-12-90 तक श्रमिक को किसी प्रकार भुगतान किया गया, इसका उल्लेख कहीं भी प्रतिप्रार्थी ने नहीं किया। श्रमिक ने अपनी सेवाएं फर्म स्वेच्छा एंड डिटेक्टिव कोर्पस को दी, इस संबंध में भी कोई लिखित या मौखिक साक्ष्य नहीं है। प्रतिप्रार्थी ने जधाबदावे में स्वीकार किया है कि श्रमिक ने स्वेच्छा से काम छोड़ा। काम छोड़ने की यह तारीख दिनांक 11-9-92 है। दिनांक 11-8-90 से दिनांक 11-9-92 तक श्रमिक लगातार प्रतिप्रार्थी के गेस्ट-हाउस में काम करता रहा। प्रतिप्रार्थी इसकी सेवाएं लेते थे और उसके एकज में पारिश्रमिक देते थे। श्रमिक के अनुसार उसने लगातार 2-40 दिन इस अवधि में काम किया है। इस प्रकार श्रमिक स्थाई कर्मचारी हो गया। श्रमिक को बिना किसी नोटिस या जांच के सेवा से पृथक किया गया है, जो अवैधानिक और अनियमित है।

15. प्रतिप्रार्थी के गेस्ट-हाउस में कुक का स्थाई पद है फिर भी नियम के अनुसार यह पद नहीं भरा जाता बल्कि फर्म को ड्राइवर और कुक भेजने का टेका दिया जाता है। इस फर्म को कुक के लिये प्रतिमाह 1100/- रुपये प्रतिप्रार्थी देते थे और फर्म श्रमिक को रूपये 950/- प्रतिमाह देती थी। रूपये 160/- प्रतिमाह अकाउंट का पर्याप्त है इस फर्म को दिया जाता था। भारत सरकार के प्रत्येक संस्थान में नियम के अनुसार कर्मचारी रखे जाते हैं और नियमों के अनुसार ही उनकी सेवा शर्तें नियमित होती हैं। वर्तमान कारण में इस सब का

उल्लंघन कर फर्म के भाध्यम से कर्मचारी रखे गए, यह प्रथा अत्यंत आपत्तिजनक है और नियमों के विपरीत है।

16. यह घोषणा की जाती है कि दिनांक 11-9-92 से अभी तक श्रमिक श्री नेत्रबहादुर थापा, प्रतिप्रार्थी डिटी जनरल मैनेजर, एसईसीएल, ई-2/43 अरेरा कालोनी, भोपाल का स्थाई कर्मचारी है। दिनांक 11-9-92 से अभी तक वह निर्धारित बेतन और सभी भत्तों को पाने का पात्र है। रोकी गई राशि का प्रतिप्रार्थी श्रमिक को 10 प्रतिशत प्रतिवर्ष की दर से व्याज अदा करें। यही इस प्रकरण का अवार्ड है। दोनों पक्ष इस प्रकरण का अपना-अपना यथ्य बहन करें।

17. नियमानुसार अवार्ड की प्रतियां भारत सरकार, अम मंत्रालय को प्रेषित की जाती हैं।

डी० एन० शैक्षित, पीठासीन अधिकारी

नई दिल्ली, 21 नवम्बर, 1997

का. आ. 3172.—श्रीद्वयिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सी एल के प्रबन्धतंत्र के सबद्ध नियोजकों श्रीर उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट श्रीद्वयिक विवाद में केन्द्रीय सरकार श्रीद्वयिक अधिकरण, मुम्बई नं 1 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-97 को प्राप्त हुआ था।

[संख्या एल-22012/146/96-प्राई प्रार (सी -II)]  
लौली माऊ, डेस्क अधिकारी

New Delhi, the 21st November, 1997

S.O. 3172.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Mumbai No. I as shown in the Annexure, in the industrial dispute between the employers in relation to the management of W.C. Ltd. and their workman, which was received by the Central Government on 19-11-97.

[No. I-22012/146/96-JR(C-II)]  
LOWLI MAO, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

#### PRESENT:

Shri Justice R. S. Verma, Presiding Officer.  
Reference No. C.G.I.T.-1/56 of 1997

#### PARTIES:

Employers in relation to the management of  
Ballarpur Colliery of WCL.

AND

Their workmen

#### APPEARANCES:

For the Management—Shri B. N. Prasad, Advocate.

For the Workman—No appearance.

STATE : Maharashtra

Mumbai, dated the 21st day of October, 1997

#### AWARD

None—for Union.

Shri B. N. Prasad Advocate for management.

Mr. Prasad has filed his authority. The same is taken on record.

The notices were issued to union on 21-8-97 by registered post, as is discharged by the office report. Notices have not been received back. There is presumption of service. Since no claim has been filed, there is nothing before me to be adjudicated. The matter is adjourned sine-die. In case, the union/workman files a statement of claim with copy to the management and requests for proceeding with case, matter to come up for hearing after fixing due date. Just now matter stands disposed off for statistical purposes. Disposed off accordingly.

R. S. VERMA, Presiding Officer

नई दिल्ली, 21 नवम्बर, 1997

का. आ. 3173.—श्रीद्वयिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस सी सी एल के प्रबन्ध तंत्र के संबद्ध नियोजकों श्रीर उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट श्रीद्वयिक विवाद में श्रीद्वयिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती जो केन्द्रीय सरकार को 20-11-97 को प्राप्त हुआ था।

[संख्या एल-22012/347/89-प्राई. प्रार. (सी -II)]  
लौली माऊ, डेस्क अधिकारी

New Delhi, the 21st November, 1997

S.O. 3173.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd and their workman, which was received by the Central Government on 20-11-97.

[No. L-22012/347/89-IR (C-II)]  
LOWLI MAO, Desk Officer

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT  
HYDERABAD

#### PRESENT:

Sri V. V. Raghavan B.A., LLB., Industrial Tribunal-I.

Dated, the 21st day of October, 1997  
Industrial Dispute No. 28 of 1990

## BETWEEN

Mrs. Edna Engle, Lx. Staff Nurse,  
Singareni Collieries Main Hospital,  
Qr. No. B-227 Doctors Quarters, Kothagudem,  
Khammam Dist (AP)-507 101. . Petitioner

## AND

The Director (Welfare & Administration)  
M/s. S.C. Co. Ltd., Kothagudem,  
Khammam District (AP)-507 101.  
. Respondent.

## APPEARANCES:

Sri G. Vidya Sagar, Advocate for the Petitioner  
M/s. K. Srinivasa Murty and G. Sudha,  
Advocate for the Respondent.

## AWARD

The Government of India, Ministry of Labour, New Delhi by its Order No. L.22012(347)189-IR (C.II) dt. 25-4-1990 referred the following dispute under Section 10(1)(d) and 2A of Industrial Disputes Act, 1947 for adjudication :

"Whether the action of the management of M/s. Singareni Collieries Co. Ltd., Kothagudem in dismissing Mrs. Edna Engle, Staff Nurse, Main Hospital, Kothagudem from service w.e.f. 4-4-1989, is justified? If not, to what relief the workman concerned is entitled?"

Both parties appeared and filed their pleadings.

2. The workman Mis. Edna Engle, hereinafter called as 'Petitioner' filed a claim statement contending as follows : The petitioner was appointed as Staff Nurse in the Main Hospital, Kothagudem on 1-7-77. She has been discharging her duties to the entire satisfaction of her superiors. She was the President of Medical and Sanitary Employees Union from 1985. She has been representing the various grievances of workmen to the Management. The management intended to punish her on the ground of her union activities. The petitioner was on duty in main hospital in first shift i.e. 7.00 A.M. to 3.00 P.M. on 28-9-88. She possessed special training Ophthalmic Operations and she was also being used for general operations including Orthopedic, ENT Etc... On 28-9-88 at about 12.00 Noon a general mazdoor by name Lakshmi brought a letter by which the petitioner is punished by way of suspension for three days on the ground that the petitioner refused to take a letter when offered by the Management. When the petitioner approached the Medical Superintendent at about 1.00 P.M and questioned as to why such a treatment was given to her, and why she was punished without giving any opportunity, the Superintendent became wild and started shouting loudly by using filthy language. When the petitioner resisted for the said act, the Superintendent manhandled her. The petitioner came out of the clutches of the Superintendent and informed her colleague workers about the instant. She was served with charge sheet dt. 6-10-1988 alleging that she beat the Superintendent Dr. A. Seshasiri Rao on 28-9-88, with iron rod causing multiple injuries. The petitioner submitted her explanation denying the charge. The petitioner gave a complaint against

Superintendent. Thereafter an enquiry was conducted and the petitioner was dismissed from service. The charge sheet was issued by the Chief Medical Officer who is not competent. The enquiry was not conducted properly. There is no sufficient evidence to punish the petitioner. The petitioner being a lady did not beat the Medical Superintendent. The iron rod with which the petitioner beat the superintendent, is not produced before the Enquiry Officer. The Management gave a complaint to the police and the matter is still pending before the Prl. Judicial 1st Class Magistrate. Without concluding the criminal case, the Management proceeded with the departmental enquiry and inflicted the punishment of dismissal from service. The petitioner was punished for her union activities. The Medical Superintendent who became angry against the petitioner and tried to assault the petitioner, slipped from the chair and himself received injuries. The Management in dismissing the petitioner resorted to victimisation and unfair labour practice. Hence the petitioner is entitled to reinstatement with full back wages.

3. The respondent filed a lengthy counter contending as follows : The petitioner was suspended as a measurement of punishment. While the Medical Superintendent was not in his room, the petitioner stealthily entered his room at about 1.00 P.M. on 28-9-88 with an iron rod and stood behind the curtain near his chair with an intention to assault him and as soon as he entered into the room and sat in his chair, the petitioner started beating him indiscriminately on his head and when he tried to protect his head from the blows by putting both his hands on his head, it resulted in injuries to his head, over right forearm and fingers etc. The incident took place in split seconds due to a pre-meditated intention of the petitioner. The Medical Superintendent was seriously injured and he was shifted to the theatre for putting sutures, first aid and follow up treatment. He suffered from bleeding injuries and heavy pain. Immediately he reported the matter to the Addl. Chief Medical Officer. If the petitioner was manhandled by the Medical Superintendent, she ought to have given a complaint to the higher authorities. After receiving the complaint from the Medical Superintendent, a charge sheet was served upon the petitioner. The allegation that the petitioner being a lady could not have beaten an officer and thereby cause multiple injuries is false. The Departmental Enquiry was conducted and she was given full and fair opportunity during the enquiry. The petitioner was defended by a co-worker. At the request of the petitioner, the enquiry proceedings were sent to her. But she refused to receive the same sent by Regd. Post. The petitioner as a Staff nurse caused injuries to the Medical Superintendent and so she was suspended. Later the charge was proved and the petitioner was dismissed from service. Hence the petitioner is not entitled to any relief.

4. The respondent filed the record of domestic enquiry into this Tribunal. The respondent management examined Enquiry Officer to prove the enquiry. My learned predecessor by order dt. 12-3-93 held that the domestic enquiry is conducted validity as per principles of natural justice. Thereafter he heard both the parties and by an Award dt. 20-4-93 he set aside the punishment and ordered for reinstatement with backwages and other benefits. There upon the mana-

gement referred W.P. No. 16794/93 in the Hon'ble High Court of A.P. questioning the Award. The Hon'ble High Court was pleased to allow the Writ Petition and remand the matter to this Tribunal for fresh disposal, after hearing both the parties and considering the entire material available on record by order dt, 24-6-97. Thereafter both the parties are heard.

5. The point for consideration is whether the respondent is justified in dismissing the petitioner from service ?

6. POINT:—The admitted facts of the case are as follows : The petitioner has been working as Staff Nurse in the Main Hospital of Singareni Collieries at Kothagudem since 1977. She is the President of Health and Sanitary Workers Union. Sri A. Seshagiri Rao has been working as Superintendent of the same Hospital since about 1987. The Chief Medical Officer and Addl. Chief Medical Officers are holding rank higher than the Superintendent. The Superintendent has powers to take disciplinary action against the staff. He served an order suspending the petitioner for 3 days from 29-9-88 while the petitioner was performing the duty in Theatre on 28-9-88.

7. The allegation against the petitioner is that when the Superintendent went to the room of Addl. Chief Medical Officer and when Mr. Narayana peon attached to the Superintendent went to the Chief Medical Officer room to deliver some papers, the petitioner stealthily entered the room of the Superintendent about 1.00 P.M. and hid herself behind a curtain. The Superintendent returned back after 10 minutes and sat in his chair. The petitioner hit on his head with a stainless steel rod. When he tried to avoid injuries by placing his hands on the head, he received injuries on the hands also besides the Head. When he cried and called the peon by name Narayana, the latter entered the room and saw the petitioner beating the Superintendent. When the said Narayana questioned the petitioner as to why she was beating the superintendent, she replied that she was right in doing it. This incident has also been seen by Bhadradi a General Mazdoor who assists Pav Sheet Staff in preparing Pav Sheets, who came to the room of the Superintendent to take some signatures.

8. The petitioner denies to have beaten the Superintendent.

9. The petitioner admits that she went to the Superintendent's Office at about 1.00 P.M. and questioned him about the suspension order and the Superintendent abused her and manhandled her. She also admitted that the Superintendent received injuries at that time but she states that he fell down from the chair and received the injuries. She pleaded as follows in her claim statement at Ground No. (xi).

(xi) The Medical Superintendent who became angry against the petitioner and tried to assault the petitioner, slipped from the chair and himself received injuries. If really the petitioner caused injuries with iron rod there is no scope for getting injuries on hands and fingers. This itself negatives the charges."

The fact that the Superintendent received injuries on the head and hands is proved by Ex. M6 Medical

Certificate and the evidence of Dr. Srinivasa Babu a General Surgeon. The Superintendent received the following frades.

1. Puncture wound depth about 1/2 cm over the panetal prominence. Acute bleeding.
2. Puncture wound over left temporal area depth about 1/2 cm. Acute bleeding present.
3. Puncture wound over right forearm, ulnar aspect, about 4" above wrist Jt. Depth 1/2 cm. Acute bleeding.
4. Contusion (L) Ring finger distal phalanx.
5. A linear contusion over (R) forearm, volar aspect, about 5 cms.  $\times$  1/2 cms. with abrasion of overlying skin.

The petitioner tried to elicit from Srinivasa Babu that these injuries can be caused by a fall. Dr. Srinivasa Babu while admitting that individual injuries 1 to 3 can be caused by a fall stated that all the three injuries cannot be caused by a fall at a time. He stated that there is no possibility of injuries 4 and 5 being caused by a fall.

10. Thus the evidence and admission of the petitioner proved that she has motive to cause injuries to the superintendent as the superintendent suspended her and she was present in the room of the Superintendent that he received injuries and she admitted that he received injuries.

11. Then the question that has to be decided is whether the petitioner caused injuries to the Superintendent. The Superintendent immediately after receiving the injury walked to the room of Doctor Mrs. N. V. Narayundkar, Additional Chief Medical Officer with bleeding injuries and complained to her that the petitioner beat him with a rod. Dr. Mrs. N. V. Narayundkar testified to the said facts before the Enquiry Officer. Mr. Narayana the peon attached to the Superintendent saw the petitioner beating the Superintendent and questioned her. At the same time Sri V. Bhadradi a General Mazdoor who assists the Pav Sheet Staff, saw the petitioner, beating the Superintendent as well as Narayana questioning her. They spoke to the said facts before the Enquiry Officer. The Superintendent gave Ex. M4 report to the Addl. Chief Medical Officer immediately after the incident. It is admitted that he was taken to the Police Station and then to the Government Hospital where he was examined by Government Doctor also. It is also admitted that the petitioner was prosecuted before the I.M.F.C., Kothagudem for assualting the Superintendent.

12. When questioned about her terms with the witnesses the petitioner admitted in cross-examination that she has no enmity either with the Superintendent or the attender or general Mazdoor or any other witness. She pleads that the Superintendent is abusing her as and when she was making representations on behalf of the union. This is the plea taken by each union leader in all cases and in the absence of any specific evidence or circumstance, it need not be given any weight. She examined two Nirm Soil Sweepers who stated that the Superintendent abused the petitioner and caught her hand. Their evidence is only

referred to for being rejected. They are the members of union of which the petitioner is the President. They are only giving false evidences to save the petitioner.

13. It was argued by the counsel for the petitioner that the charge reads that some iron rod was used for beating whereas the stainless steel rod was produced into this Tribunal. A reading of Ex. M1 report of Superintendent shows that he referred to Steel Rod only in his report at the earliest point of time. It is only in the charge sheet that iron rod was mentioned and it need not be given any weight. It was next argued that the petitioner also gave a complaint against the Superintendent but no action was taken against him. The petitioner herself stated that she gave a report after the police started to make enquiries against her and it was closed by the Management as an after thought. It is next argued that Narayana the Peon was induced to give evidence with the promise that he will be made medically unfit and his son will be given employment in his place. The witness denied the suggestion and asserted that there was no necessity for his son to come and beg for employment. The learned counsel for the petitioner next argued that Bhadradi could not have seen the incident as he entered the room after the petitioner left the room of the Superintendent. His evidence is that he followed the Superintendent with the pay sheets at a distance of about 10—15 feet to take some signatures and by the time he reached the Superintendent's room, the latter called 'Narayana' by name and so he also looked into the room. He saw the petitioner beat the Superintendent. It was suggested to him that he is giving false evidence under threat that would be sent back to the Mine to perform the duties of General Mazdoor. He denied the same. He also stated that he is not giving any false evidence and that he is a Graduate having studied B.Com. He assists the Pay Sheet Staff to learn work.

14. There is a fool proof evidence that the petitioner beat the Superintendent with a stainless rod, he having suspended her for some misconduct. This conduct of a subordinate is most reprehensible. No doubt there is no evidence about her previous conduct in her 11 years of service except that she was suspended on the date of incident. Nonetheless an employee who beat the superior officer cannot be shown any mercy even under Section 11-A of the ID. Act.

15. In the result, an Award is passed holding that the respondent is justified in dismissing the petitioner Mrs. Edna Engle from service.

Dictated to the Steno-typist, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal this the 21st day of October, 1997.

V. V. RAGHAVAN, Industrial Tribunal-I

#### Appendix of evidence (Before Remand)

Witness examined for  
Petitioner

NIL

3099 GI/97-16

Witness examined for  
Respondent

MW1 : R. Sudheer.

#### Documents marked for the Petitioner

NIL

#### Documents marked for the Respondent

Ex. M1 : Letter dt. 17-10-88 issued by the CMO with regard to appointment of R. Sudheer as Enquiry Officer.

Ex. M2 : Representation dt. 9-10-88 submitted by the Petitioner Mrs. Edna Engle to the CMO, Kothagudem.

Ex. M3 : Charge Sheet dt. 6-10-88 issued by CMO to Edna Engle.

Ex. M4 : Complaint dt. 28-9-88 given by the Superintendent to the CMO, Kothagudem.

Ex. M5 : Xerox copy of Clinical Findings of Dr. U. Srinivasa Babu dt. 28-9-88.

Ex. M6 : Original of Ex. M5.

Ex. M7 : Enquiry Proceedings dt. 17-10-88.

Ex. M8 : Enquiry Report dt. 14-11-88.

#### MATERIAL OBJECT

Ex. MOI : Steel Rod.

नई दिल्ली, 21 नवम्बर, 1997

का.आ. 3174.—श्रीयोगिक विदाद अधिनियम, 1947 (1947 का 14) को धारा 17 के प्रत्यारोग में, केन्द्रीय सरकार एस.ई.सी.एल. के प्रबन्ध तंत्र के संबंध तिथों को और उनके कर्मकारों के बाब्चे, अनुचय में निर्दिष्ट श्रीयोगिक विदाद में केन्द्रीय सरकार औयोगिक अधिनियम, जबलपुर के पंचपट को प्रकाशि करते हैं जो केन्द्रीय सरकार को 19-11-97 को प्राप्त हुआ था।

[संख्या एल-22012/495/93-आई.आर. (सी.-II)]  
लौरी माल, ईफ्र प्रविधिकारी

New Delhi, the 21st November, 1997

S.O. 3174.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.E.C. Ltd and their workmen, which was received by the Central Government on 19-11-97.

[No. L-22012/495/93-IR (C.II)]

LOWLI MAO, Desk Officer  
अनुबंध

केन्द्रीय श्रम औयोगिक अधिकरण एवं श्रम न्यायालय,

जबलपुर प्र  
डी.एम. सी.एस.  
पीठसीन अधिकारी

प्र० क० : सीजीआईटी/एलसी/ (आर) (82)/95

जनरल सेक्टरी,  
प्रत्तीसगढ़ खदान भारतवाना  
मजदूर यूनियन,  
मुंपो०-बांधीमोगरा,  
जिला-विलासपुर (मग) ...

पृ. ८



2. Shri Rabi Narayan Mohanty, the aggrieved second party—workman and Shri A. K. Mohanty, representative of the first party—management are present. Both the parties have filed a memorandum of settlement dated 29-10-1997 and prayed to pass an Award in terms of the settlement.

3. Perused the settlement. Shri R. N. Mohanty, the aggrieved workman was also confronted with the terms of the settlement embodied in the settlement. The aggrieved workman, Rabi Narayan Mohanty admitted the settlement to have been entered into with his full knowledge and active participation. This Tribunal is also satisfied that there is no unfairness in the settlement. The settlement being the highest sanctified document, which settles the dispute finally, is accepted. Accordingly, an award is passed in terms of the settlement, which do form part of the Award.

Dictated and corrected by me.

M. R. BEHERA, Presiding Officer

#### FORM—H

#### MEMORANDUM OF SETTLEMENT

Name of Parties : Shri H. K. Mohanty.

Representing Employer(s) : PARADIP PORT TRUST.

Representing Workmen . Shri R. N. Mohanty,  
Ex-Senior Clerk, Paradip Port Trust.  
Short Recital of the case :

While Shri R. N. Mohanty was working as Senior Clerk under Paradip Port Trust four nos. of articles of charges were framed against him viz., (i) misbehaviour to his superior officer, (ii) unauthorised occupation of Port Trust quarters, (iii) tampering of official records and (iv) disobedience of orders and negligence of duty.

2. The charges were enquired into by an Inquiring Officer who submitted his report on 17-5-1984 with the finding that Shri Mohanty, the delinquent Officer was guilty of all the charges. The disciplinary authority in consideration of the Inquiry Report imposed a punishment of compulsory retirement from service on Shri Mohanty on 20-10-1986. Subsequently the Disciplinary authority vide his order dated 2-3-1987 allowed him normal pension and gratuity. The appeal preferred by Shri Mohanty to Central Government was rejected vide order dated 7-8-1987.

3. A reference was made by the Central Government to the Pres'ding Officer, Industrial Tribunal(C), Bhubaneswar under Section 2-A of the I. D. Act for adjudication of the following references :

"If the action of the management of Paradip Port Trust in compulsorily retiring their workman Shri Rabi Narayan Mohanty, Sr. Clerk is justified ? If not, to what relief the workman is entitled ?"

The Presiding Officer, Industrial Tribunal (C), Bhubaneswar registered I. D. Case No. 16 of 1990 which is now subjudice.

4. In order to obviate the protracted litigation and in consideration of the fact that the workman is a physically handicapped person and not in a position to participate in the prolonged litigation, it is in consultation with the counsel of the parties, decided by and between the parties to settle the dispute on the following terms and conditions :

#### Terms of settlement :—

- (i) The order of compulsory retirement with normal pensionary benefit is substituted by voluntary retirement under rule 48 A(5) of C.C.S. Pension Rules with consequently pensionary benefits.
- (ii) House rent and water charges for the period from 25th May, 1976 to 30th June, 1984 for a sum of Rs. 31,222.76 is to be paid by Shri R. N. Mohanty and interest and penalty accrued thereon is hereby waived.
- (iii) Rs. 24,494.55 withheld by the Paradip Port Trust towards gratuity is to be adjusted against House rent and water charges and balance amount towards house rent and water charges shall be recovered from the other dues of Shri Mohanty available with the Port Trust. In the event no further amount is available with the Port Trust the balance amount is to be deposited by Shri Mohanty forth with.
- (iv) The order of voluntary retirement will take effect from 30-10-1986 i.e. the date on which Shri Mohanty was compulsorily retired from service.
- (v) The Industrial Dispute may be disposed of in accordance with the above terms and conditions. No claims arising out of this case will be entertained in any forum in any manner whatsoever in future.
- (vi) The parties will bear their respective costs in I. D. Case pending before the Presiding Officer, Industrial Tribunal (C), Bhubaneswar.

Signature of the Parties  
Sd./- Illegible  
29-10-1997.

Representing  
1st Party Management

Representing  
2nd Party Workman

#### Witnesses :

1. Basanta Kr. Mishra  
Sr. Clerk,  
Admn. Deptt.  
Paradip Port Trust.

2. Jadumani Samantry,  
Sr. Clerk,  
Admin. Department.  
P.P.T.

Sd./- Illegible.  
29-10-1997.

नई दिल्ली 21 नवम्बर, 1997

क्रा.ओ. 3176 :-- अंदोगिक विवाद-अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, वे ब्रीम सरकार बोचीन पोर्ट ट्रस्ट के प्रबंधतार के संबंध नियोजनों और उनके कर्मचारों के बीच, उन्वेत्तम में निविट अंदोगिक विवाद में नेबर बोर्ट अंदोगिक अधिकरण, अरनाकुलम के पंचवट को ब्राविश बताती है, जो केन्द्रीय सरकार वो 21-11-97 को प्राप्त हुआ था।

[सं. एच-35011/2/96-प्राइंसार० (विविध)]  
बी.एम. डेविड ईस्टर्स, अधिकारी

New Delhi, the 21st November, 1997

S.O. 3176.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court Industrial Tribunal, Ernakulam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Cochin Port Trust and their workman, which was received by the Central Government on the 21-11-97.

[No. I-35011/2/96-IR (Misc.)]  
B. M. DAVID, Desk Officer.

#### ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT,  
ERNAKULAM (LABOUR COURT, ERNAKULAM)

(Tuesday, the 2nd day of September, 1997)  
PRESENT :

Shri Varghese T. Abraham, B.A., LL.M., Presiding Officer.

Industrial Dispute No. 17 of 1997 (C)

#### BETWEEN

The Chairman, Cochin Port Trust, Willingdon Islands, Kochi-9.

#### AND

The General Secretary, Cochin Port Trust Staff Association, Willingdon Island, Kochi-9.

#### AWARD

The Government of India as per Order No. L-35011/2/96-IR (Misc.) dated 14-5-97 referred the following industrial dispute for adjudication :

“Whether the action of the management of Cochin Port Trust in not conceding to the demands for revision of piece rate incentive scheme to shore workers and mobile equipment operators of the Port Trust is just, proper and legal? If not, to what relief the workman concerned are entitled?”

2. Industrial Dispute is settled out of Court (vide memo recorded).

In the result, reference is answered holding that no industrial dispute is pending to be adjudicated.  
Pronounced in open court on this the 2nd day of September, 1997.

VARGHESE T. ABRAHAM, Presiding Officer.

नई दिल्ली, 27 नवम्बर, 1997

क्रा.ओ. 3177.— अंदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हट्टी गोल्ड माईन कम्पनी लिं. के प्रबन्धतार के संबंध नियोजनों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट अंदोगिक विवाद में केन्द्रीय सरकार अंदोगिक अधिकरण, बैंगलोर के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-97 प्राप्त हुआ था।

[संख्या एल-43012/3/94-प्राइंसार० (विविध)]  
बी.एम. डेविड, ईस्टर्स अधिकारी

New Delhi, the 27th November, 1997

S.O. 3177.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Hatti Gold Mines Co. Ltd., and their workman, which was received by the Central Government on 21-11-1997.

[No. L-43012/3/94-IR (Misc.)]  
B. M. DAVID, Desk Officer.

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, BANGALORE.

Dated, this Monday the 17th day of November, 1997  
PRESENT :

Shri K. Mohanachandran, B.Sc., B.L., D.L.,  
A.L., Presiding Officer.  
Central Reference No. 90/94.

#### I Party :

Shri Amaranna, Ex.-W.WT No. 77, Watch & Ward Colony, Hatti P.O. 584 115, (Karnataka).

#### Versus

#### II Party :

M/s. Hatti Gold Mines Co. Ltd., Hatti P. O. 584 115, (Karnataka).

#### AWARD

In this Central Government reference No. L-43012/3/94-IR (Misc.), dated 24-10-7994 the point for adjudication is framed as follows :—

“Whether the action of the management of M/s. Hatti Gold Mine Co. Ltd. in dismissing the services of Shri Amaranna, Ex. W/WT is proper and justified? If not, to what relief the workman is entitled to?”

(2) After the said Government reference was registered as Central Reference No. 90/94 court notice was sent to both the parties as usual. Shri S. Kantappa, Advocate filed vakalath for the 1st party. Meanwhile when the said case is pending, in the stage of filing of claim statement by the 1st party, the 1st party on 26-6-1995 filed a memo stating that he is withdrawing his case as it is settled out of court.

(3) Again on 11-11-1997 he appeared and filed another memo stating his case may be dismissed as withdrawn. Accordingly the said memos were recorded.

#### AWARD

(4) On the memos filed by the 1st party, this Central Reference No. 90/94 is dismissed but without cost. The memorandums dated 20-6-1995 and 11-11-1997 filed by the 1st party will be part and parcel of this award. Submit to Government.

(5) (Dictated to P. A. transcribed by him, corrected by me and signed on this Monday the 17th day of November, 1997).

K. MOHANACHANDRAN, Presiding Officer.

#### ANNEXURE

IN THE COURT OF THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT BANGALORE  
CR. NO. 90/1994.

FIRST PARTY : Shri Amareenna,  
Ex. W/WT No. 77,  
Watch and Ward Colony,  
Hatti.

V/s.

SECOND PARTY : The Executive Director,

Hatti Gold Mines.

The General Manager, Hatti Gold Mines,  
HATTI.

MEMO FOR WITHDRAWAL OF CASE  
The first party above named submits as follows :

Consequent upon the order passed by the Chairman and Managing Director, Hatti Gold Mines on 14-6-1995 setting aside the dismissal order dated 20-10-1993 by the Executive Director, I hereby withdraw the above case as it is settled out of Court. It would be in the interest of Justice.

Sd./- Illegible.  
FIRST PARTY.

Place : Bangalore.

Date : 26-6-1995.

Sd./- Illegible.  
Advocate for First Party.  
S. KANTAPPA, M.A.L.L.B.,

Advocate.  
No. 19, Vinayaka Building,  
Room No. 11, 2nd Floor,  
Sampiga, Road, Malleswaram,  
BANGALORE—560 003.

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-COURT, BANGALORE  
CR. NO—90/94

1st Party .. Amareenna  
Vs.  
2nd party .. Hatti Gold Mines

#### MEMO

The undersigned namely the 1 party in the above said CR No. 90/94 submit that the case in the above reference has been settled with the Management the 2nd party.

Hence, I withdraw the said case I party that the CR. No. 90/94 may be dismissed as withdrawn without any cost.

I have already filed one memo dated 20-6-95 to that effect.

1st Party.  
Sd./- Illegible

नई विली, 27 नवम्बर, 1997

का. 3178 :— ओलोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, बेंगलुरु सरकार टाटा इंडस्ट्रीज एंड स्टील कम्पनी लिं. के प्रबन्ध-संत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, भुवनेश्वर में निविल ओलोगिक विवाद में ओलोगिक अधिकरण, भुवनेश्वर के पंचपट को प्रवासित करते हैं, जो बेंगलुरु सरकार को 25-11-97 से प्राप्त हुआ था।

[संख्या एल-26012/18/94-आई आर (विविध)]

बी. एम. डेविड, डैस्क अधिकारी

New Delhi, the 27th November, 1997

S.O. 3178—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Tata Iron and Steel Company Ltd. and their workman, which was received by the Central Government on the 25-11-97.

[No. L-26012/18/94-IR (Misc.)]

B. M. DAVID, Desk Officer.

#### ANNEXURE

INDUSTRIAL TRIBUNAL : ORISSA ; BHUBANESWAR :  
PRESENT :

Sri M. R. Behera, O.S.J.S. (Sr. Branch), Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 14 OF 1995 (CENTRAL) Dated, Bhubaneswar, the 17th November, 1997

## BETWEEN :

The management of Tata Iron & Steel Co. Ltd., P.O. Noamundi, Dist. : Singhbhum (Bihar).

First Party Management.

(AND)

Their workman Sri B. Thakur, P. No 174055, Driver-cum-Havildar, Security Section, TISCO Ltd., Qrs. No. 3, New Flat, P.O. Joda, Dist : Kconihar .....Second Party workman.

## APPEARANCES :

Sri R. N. Misra, Asst. Divisional—For the First Party Manager (Personnel).

Sri B. Thakur —The Second party workman himself.

## AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred upon them by clause(d) of sub-section(1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following dispute for adjudication vide their Order No. L-26012/18/94 IR (Misc.) dated 2-2-95 :

"Whether the action of the management of Tata Iron & Steel Co. Ltd., Raw Material Division, Dist : Singhbhum in dismissing Sri B. Thakur, Driver-cum-Havildar w.e.f. 10-2-94 is justified ? If not, to what relief the workman is entitled to ?"

2. In this case a settlement has been filed by Sri Bhubaneswar Thakur, the aforesaid second party-workman and Sri R. N. Misra, Asst. Divisional Manager (Personnel) the representative of the first party-management. Consistent to the terms of the settlement embodied in the memorandum of settlement, the second party-workman was asked to have his say. From the interrogation to the workman, it has been made abundantly clear that the workman is fully aware of the contents of the terms of the settlement. The settlement seemed not to have suffered from any vileness. The settlement being the paramount consideration for final settlement of disputes between the litigating parties, the settlement is admitted to record. An Award is passed in terms of the settlement, which do form part of the Award.

Dictated and corrected by me.

M R. BEHERA, Presiding Officer.

## FORM H UNDER RULE 58 OF THE INDUSTRIAL DISPUTES (CENTRAL) RULES, 1957.

## MEMORANDUM OF SETTLEMENT

## Name of Parties :

## Representing Employer :

The Tata Iron & Steel Company Limited .. First Party Management.

## Representing Workman :

Shri Bhubaneswar Thakur, ... Second Party Workman Ex P. No. 174055, Ex. Driver cum Havildar, Joda.

## SHORT RECITAL OF THE CASE :

The following industrial dispute has been referred to the Hon'ble Industrial Tribunal, by the Govt. of India vide its Order No. L-26012/18/94-IR (Misc) dated 02-02-1995 :—

"Whether the action of the management of Tata Iron & Steel Co. Ltd., Raw Material Division, Dist. Singhbhum, in dismissing Shri B. Thakur, Driver cum Havildar w.e.f. 10-2-94 is justified ? If not, to what relief the workman is entitled to ?"

The said reference has been registered as Industrial Dispute Case No. 14 of 1995(C) in the file of the learned Industrial Tribunal, Orissa, Bhubaneswar, and is pending adjudication.

In the meanwhile, the Second Party Workman, Shri Bhubaneswar Thakur, has made a representation to the Management requesting for reconsideration of his case and reinstatement in service while pleading guilty of the misconduct as was levelled against him.

In view of the said representation and change in the attitude of the Second Party Workman and in the interest of harmonious industrial relation, the First Party Management had a discussion with the Second Party Workman for arriving at a settlement mutually amicable to both sides. Accordingly, the terms of settlement as understood and agreed to by and between the parties are set out below :—

## TERMS OF SETTLEMENT :

1. It is agreed that Shri Bhubaneswar Thakur shall be reinstated in service within 30 days of passing of the Award by this Hon'ble Tribunal.
2. Shri Bhubaneswar Thakur will be paid only 50 percent of his back wages for the period he remained out of employment on account of his dismissal, i.e. from 10-02-1994 till the date of his reinstatement. On his reinstatement he will be fitted in the grade of Rs. 2500-105-3025-110-4235.
3. There shall be no further claim by Shri Bhubaneswar Thakur nor he shall be entitled for any other payment or benefits, or privileges whatsoever, financial or otherwise, which could have accrued to him had he been in employment during the period of his dismissal till the date of his reinstatement.
4. Both the parties accepted the terms of compromise as amicable, fair and final.
5. In view of this amicable settlement, it is agreed and undertaken by the parties to that since the subject matter of the dispute in Industrial Dispute Case No. 14 of 1995(C) has stood composed/compromised, by this settlement, the parties will jointly approach the Hon'ble Industrial Tribunal for passing an award in terms of this settlement.

Signature of the First Party Management through Authorised Representative.

Sd/-  
Signature of Workman

## Witnesses with address :

## Witnesses with address :

1. Sashi Shekhar Hota, Manager, (Personnel)

Tata Steel NDA Mundi.

JODA  
Dist. Kconihar.

Sd/-

P. K. SARANGI  
Genl. Secretary, JCMWU,  
(TISCO)

Dated the 1st day of October, 1997.

Copy to :

1. Chief Labour Commissioner (Central), New Delhi.
2. The Secretary to the Govt. of India, Ministry of Labour, New Delhi.
3. Regional Labour Commissioner (Central), Bhubaneswar.
4. Asst. Labour Commissioner (Central), Rourkela.

by Regd. Post for information and necessary action.

Sd/-

Signature of Workman

Signature of the First Party Management through Authorised Representative.

नई विल्सी, 1 दिसम्बर, 1997

कांस्ट्रॉक्टर 3179—अधिकारीय विवाद अधिनियम, 1947 (1947 वा 14) की धारा 17 के धन्तवरण में, भेदभीय सरकार व सरकारी पोर्ट ट्रस्ट के प्रबन्धताकाल के संबंध नियोजकों और उनके कर्मचारों के बीच, अनेकांश में निविष्ट अंदोगिक विवाद में भेदभीय सरकार औदोगिक अधिकारण, सरकारी के पंचपट वा प्रकाशित वरसी है, जो भेदभीय सरकार की 25-11-97 को प्राप्त हुआ था।

[संख्या एल-32012/4/91-प्राई-आर० (विवित)]  
बी.एम. डेविड, बैरक अधिकारी

New Delhi, the 1st December, 1997

S.O. 3179.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Port Trust and their workmen, which was received by the Central Government on 25-11-97.

[No. L-32012/4/91-IR(Misc)]  
B. M. DAVID, Desk Officer

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 25 of 1991

#### PARTIES :

Employers in relation to the management of Calcutta Port Trust.

AND

Their Workmen

#### PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer

#### APPEARANCE :

On behalf of Management—Mr. G. Mukhopadhyay, Senior Labour Officer (IR).

On behalf of Workmen—Mr. S. Das, Secretary of the Union with Mr. P. C. Mondal, Executive Committee member of the Union.

STATE : West Bengal.

INDUSTRY : Port.

#### AWARD

By Order No. L-32012/4/91-IR(Misc) dated 21-6-1991 the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Calcutta Port Trust in denying to allow promotion to Shri Parash Chandra Mondal, UDC (SG) to the post of Head Clerk under Controller of Stores, Calcutta Port Trust on the ground of pending of disciplinary proceeding for last 5/6 years to be justified or not? If not in what relief the concerned workman is entitled to?”

2. The union's case, in short is that the concerned workman Shri Parash Chandra Mondal had been working as Upper Division Clerk (Selection Grade) in the Controller of Stores Dept. under the Board of Trustees of the Port of Calcutta. His promotion as Head Clerk was due in March 1989 under scheduled caste reservation roster. He was superseded by his junior Shri Anil Ranjan Das, Upper Division Clerk (Selection Grade) in terms of order No. 1196 dated 3-3-1989 without assigning any reason. An industrial dispute arose out of denial of promotion to Shri Mondal and the union took up the dispute with the concerned departmental authority first and thereafter with the port administration. Since the matter could not be settled amicably, the union referred the dispute to the Conciliation Officer. The attempt of conciliation having also failed, the present reference was made by the Central Government. The ground taken by the management for denying him promotion was that a disciplinary proceeding was pending against him. The union has alleged that because of the wrongful denial of promotion of the concerned workman to the post of Head Clerk, he has suffered heavy financial loss. The union has accordingly prayed for necessary orders upon the CPT management for allowing promotion to the concerned workman to the post of Head Clerk with retrospective effect viz. the date on which the promotion was due in 1989 and also for necessary orders directing the management to pay him his dues for the entire period from the date of promotion as Head Clerk in 1989.

3. In written statement filed by the management of the Calcutta Port Trust it is alleged that the Calcutta Port Commissioners (Discipline & Appeal) Rules, 1964, having been repealed by the Calcutta Port Trust Employees' Classification, Control & Appeal Regulations, 1987 which came into effect from 10-8-1987, the concerned workman is governed by the provisions of the said Regulations. It is also alleged that on the basis of the vigilance report from the Chief Vigilance Officer of the Port against the concerned workman, a disciplinary proceeding was initiated against him by the disciplinary authority viz. the Controller of Stores by issuing chargesheet memorandum dated 13-5-1987. Though the chargesheet was issued under the 1964 Rules, but those Rules having been repealed by Regulations of 1987, the disciplinary proceeding against the concerned workman was held in consonance with the provisions of the said Regulations. This Enquiry Officer submitted his finding on 30-11-1991 but the order of disciplinary authority in the matter had not been passed when the written statement was filed.

In August, 1990 action was initiated to fill-up one post of Head Assistant/Head Clerk in the Stores Department by promotion of the U.D.C. (Selection Grade) of the said department. A departmental selection committee was accordingly formed and as per procedure laid down in the Ministry of Home Affairs, Government of India's Office Memorandum Nos. F-39/31/55-RSTS(A) and 29/3/49-RSTS(A) dated 29-11-1958 and 31-8-1960 respectively. The said selection committee adopted "Sealed Cover" procedure while considering the suitability of the concerned workman as a disciplinary proceeding was pending against him. Since the disciplinary proceeding had not been finalized, the "Sealed cover" could not be opened and accordingly the reference is misconceived as at the stage when the written statement was filed it could not be construed whether the promotion had or had not been denied to the concerned workman.

It is further alleged that the post of Head Clerk is a selection post and it is filled, not on the basis of merit. Due weightage, however, is given on seniority and no-one can claim promotion as a matter of right. It is also alleged that one Anil Ranjan Das was promoted to the post of Head Clerk on purely temporary basis without conferring upon him any right to the said promotion proceeding, the claim of his senior against whom a disciplinary proceeding was pending and such temporary promotion can in no way termed as usurpation. The Board thus denied that promotion was ever denied to the concerned workman Shri Parash Chandra Mondal and he had never been superseded by his junior. The Board accordingly submitted that the holding of disciplinary proceeding against Shri Parash Chandra Mondal was justified and it was legal, fair and

proper. The Board accordingly claimed that the union and for that matter the concerned workman Shri Paresh Chandra Mondal shall not be entitled to any relief.

4. In its rejoinder, the union has claimed that since the Rules of 1964 was replaced by the Regulations of 1987 the case of Shri Paresh Chandra Mondal had to be dealt with either by the Rules of 1964 or Regulations of 1987, but not by both. Shri Mondal having been chargedsheeted on 15-5-1987 when the Regulations did not come into force that he is governed by the Rules of 1964. It is also alleged that the Ministry of Home Affairs, Government of India Office Memorandum has got nothing to do with the functioning of the Selection Committee. The 'Sealed Cover' proceeding, as alleged by the management does not apply in case of Shri Mondal. It is further alleged that denying of promotion to Shri Mondal as Head Clerk on the p'ea of pendency of the disciplinary proceeding was vindictive, improper and biased.

5. The management of Calcutta Port Trust, however submitted a petition on 27-3-1995 alleging, inter alia, that the concerned workman Shri Mondal have been granted promotion as Head Clerk/Head Assistant reserved for Scheduled Caste candidate and also the higher post of 'Store Keeper' Inspector reserved for Scheduled Caste candidate by the order of the Chief Materials Manager bearing No. CMM/2231 dated 2-3-1992. The following order in regard to such promotion of Shri Paresh Chandra Mondal was passed:

"Shri Paresh Ch Mondal-Clerk, U.D.S.G. (belonging to schedule caste community) is granted to have been 'notionally promoted' :-

- (a) to the reserve post of Head Assistant/Head Clerk on and from 2-3-89.
- (b) the reserve post of Store Keeper/Inspector on and from 1-9-1990.

On his promotion he will get the benefit of seniority and fixation of officiating pay as H.A./H.C. and S.K./Insp. on a notional basis with reference to the dates which he would have been promoted in the normal course, but no arrears are allowed in respect of the period prior to the date of 'actual promotion' which he will be granted to the post of S.K./Insp. on and from 29-1-92, the date of orders passed by the Deputy Chairman."

On the above mentioned promotions to Shri Paresh Chandra Mondal, Shri Anil Ranjan Das, Clerk, U.D.S.G. (next junior to Shri Paresh Chandra Mondal) and Shri Anil Kumar Bairagi, Clerk, U.D.S.G. (second junior to Shri Paresh Chandra Mondal) who had been officiating in the post of Head Assistant/Head Clerk were reverted."

6. The material facts, namely that the concerned workman Shri Paresh Chandra Mondal was working as Upper Division Clerk (Selection Grade) in 1989; that his promotion to the post of Head Clerk became due on 2-3-1989 and that he was not given promotion to the said post as the disciplinary proceeding was pending against him, are all admitted.

7. A dispute was sought to be raised by the representatives of both sides as to the rules applicable in respect of the disciplinary proceeding held against the concerned workman. According to the union he is to be governed by Rules of 64 while according to the management though the chargesheet was issued under the old rules, still he will be governed by the new regulations which came into existence in 1987 by which the old rules were repealed. Apart from the fact that there was substantial compliance of the procedures laid down in the 1964 Rules and Regulations of 1987, which are almost same, the question of Rules or Regulations to be followed in the enquiry proceeding assumes only academic importance as, admittedly, the concerned workman was fully exonerated from the charges levelled against him in the enquiry proceeding in 1992. Similarly, whether the 'sealed cover' proceeding was justified or not shall be immaterial for the purpose of the present reference as the concerned workman was found fit for promotion to the post of Head Clerk by the departmental selection committee.

8. I have already mentioned about the petitioner dated 27-3-1995 filed by the management from which it will appear that the concerned workman was notionally promoted to the reserve post of Head Assistant/Head Clerk on and from 2-3-1989 and he was given a further promotion to the reserve post of Store Keeper/Inspector on and from 1-9-1990. This order granting the concerned workman promotion with retrospective effect from the dates from which these were due to the concerned workman with further order of reversal of the persons junior to him who were holding the above posts on purely temporary officiating basis, presumably had been passed on the basis of the reports of the enquiry proceeding and the 'sealed cover' proceeding. The concerned workman thus cannot have any grievance in respect of denial of promotion on the basis of the pendency of the disciplinary proceeding for the last 5 years and the issue for consideration in the reference being for consideration of the said question, the very basis of the reference cannot be said to be existing any longer.

9. The union, however has a different point to make in this matter. It was submitted on its behalf that the concerned workman having been granted only 'notional' promotion on the dates when these fell due to him that the concerned workman had suffered heavy pecuniary loss as he was precluded from drawing any arrear amount from the dates these promotions became due to him.

10. It appears that the concerned workman was notionally promoted to the post of Head Clerk on and from 2-3-1989 and Store Keeper Inspector on and from 1-9-1990. It appears from the petition filed by the management that though his seniority and increments were not disturbed, still then, he was allowed to draw extra emoluments on account of his promotion only on and from the date of his actual promotion on 29-1-1992. It was submitted on behalf of the union that the concerned workman has thus been denied of a good amount of money which he could have otherwise drawn, had not the improper disciplinary proceeding stood in the way or in other words, the concerned workman cannot be made to suffer financially for no fault of his own. In this connection, I find from the evidence of the concerned workman that he stated that although he was actually promoted in March, 1992 but he was shown to have been notionally promoted earlier. He thus has not suffered anything other than financial loss because of delayed actual promotion.

11. The representative of the management submitted that in terms of circular No. 1595/A/Genl/Order dated 13th July 1976, the management having found the officer concerned completely exonerated from the charges levelled against him, he was promoted to the post and the officiating arrangement was reversed. He also drew my attention to the circular issued by the Ministry of Home Affairs in the Office Memorandum No. 39/3/95-Ets. (A) dated 30th August 1960 which states as follows :

"....If the officer concerned is completely exonerated and it is held that the suspension was wholly unjustified, he should be promoted thereafter to the post filed on an officiating basis, the arrangements made previously being reversed...."

No circular, however was produced by the management to show that in similar circumstances like the present one the management can shirk its liability of payment of arrear dues to a person who would have been otherwise entitled to the same, had not any disciplinary proceeding, which was subsequently found to be not proper, been stated against him.

12. It was submitted on behalf of the management that promotion cannot be claimed as a matter of right. It may be true that promotion cannot be claimed as a matter of right because number of factors require consideration before granting promotion to an employee. No decision was produced before the Tribunal to show that the management can deprive promotion to any of its employees, otherwise fit for getting the same, arbitrarily and without any reason. Here, in this particular case, it is not a question of not granting promotion. The management granted promoted to the workman from the date it fell due but the question is whether in the name of 'notional promotion' they can cause financial loss to any employee without any fault of his own. The disciplinary proceeding having ended in

favour of the concerned workman and the management having totally exonerated him from the charges levelled against him, the conclusion is inescapable that the workman is being deprived his rightful dues for the reckless action of the management.

13. It was submitted on behalf of the management that no man shall be entitled to get any pay unless he earns the same or renders his service to the post to which he is appointed. The question that will immediately crop-up is whether the employee/workman can be debarred from getting his rightful dues for unwarranted and unjustified action of the management in not allowing him to do his work in the post which was due to him. In my opinion the employee/workman had been prevented by the unjustified action of the management from doing his work on promotion, which was rightfully due to him and which was considered due to him by the management by giving him 'notional' promotion. His arrear pay, in such circumstances, should be paid by the management from the dates such promotions actually fell due.

14. It is true that 'notional' promotion has to be given in respect of the period where an employee/workman had not worked but if such normal working by the employee/workman is not caused by any laches on his part but is caused because of the reckless action of the management, the management is to compensate the loss occurred to the employee/workman for the period in which he was not allowed to work. The workman accordingly shall be entitled to get his arrear pay from the dates of the fixation of his 'notional' promotion in both the posts.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer  
Dated. Calcutta. the 18th November, 1997.

नई दिल्ली, 1 दिसम्बर, 1997

का.प्रा. 3180.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार कलकत्ता डॉक लेवर बोर्ड के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-11-97 को प्राप्त होता था।

[संख्या एन-32012/4/94-प्राई.प्रा. (विविध)]  
वी.एम. डेविड, डैस्क अधिकारी

New Delhi, the 1st December, 1997

S.O. 3180.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Dock Labour Board and their workman, which was received by the Central Government on 25-11-1997.

[No. L-32012/4/94-IR (Misc.)]  
B. M. DAVID, Desk Officer.

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 6 of 1995

#### PARTIES :

Employers in relation of the management of Calcutta Dock Labour Board  
3099 GT/97-17

AND  
Their workmen

#### PRESENT :

Mr. Justice A. K. Chakravarty, Presiding Officer.  
APPEARANCE :

On behalf of Employer.—Mr. B. K. Chakraborty, Industrial Relations Officer.

On behalf of Workmen.—Mr. A. Banerjee, General Secretary of the Union.

STATE : West Bengal . INDUSTRY : Port & Dock.

#### AWARD

By Order No. L-32012/4/94-IR (Misc.) dated 2-3-1995 the Central Government in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Administrative Body of Calcutta Dock Labour Board in refusing to allow Cycle Allowance to Shri Ram Naresh Shaw, Cycle Peon @ Rs. 32.80 paise per mon'h from 2-6-89 is justified? If not, to what relief the concerned workmen is entitled?"

2. The case of the Calcutta Port & Dock Industrial Workmen Union is that Shri Ram Naresh Shaw was appointed as a Peon by the Administrative Body of Calcutta Dock Labour Board. There is another category of employees with the nomenclature Cycle Peon. The basic salary of both the categories of Peons are the same. The only difference between these two categories of Peons are that while the latter gets Cycle Allowance @ Rs. 32.80 in net month, the former does not get any allowance. By Office Order No. EM-19(IV) dated 2-6-1989 the concerned workman was directed to work as Cycle Peon and since then the concerned workman is working as Cycle Peon till his promotion to the post of Hindi Typist in 1995. The concerned workman applied to the employer for grant of Cycle Allowance and the said prayer having been turned down, the concerned workman through its Union raised the dispute before the Conciliation Officer and no settlement in the matter having been effected the matter was referred to the Central Government and the present reference case arose. The grievance of the concerned workman is that since he was doing the work of Cycle Peon since 1989, he shall be entitled to get Cycle Allowance on the basis of the principle of 'equal pay for equal work'.

3. The employer i.e., Administrative Body of Calcutta Dock Labour Board filed the written statement denying the allegations of the union. It's positive case it that the concerned workman Shri Ram Naresh Shaw was appointed as a Peon in the Coordination Section. His work was to deliver letters and/or parcels to the officers or persons as directed by his superiors. For such delivery of letters and parcels he used to be reimbursed travelling expenses which he used to incur for such delivery. On 26-5-1989 the concerned workman wrote a letter to the Administrative Body of the Calcutta Dock Labour Board wherein he expressed his willingness to perform the duties of Cycle Peon. Though he was subsequently designated as Cycle Peon but he had not been made to work as Cycle Peon for a single day. It was denied that the concerned workman raised any dispute or claimed his entitlement to the Cycle Allowance. It was alleged that since the concerned workman had no occasion to use cycle, there was no occasion to give him Cycle Allowance. The employer has accordingly prayed for dismissal of the reference case.

4. Heard the representatives of both sides.

5. Admittedly the concerned workman was appointed as Peon. His salary bill for the month of October, 1990, marked Ext. W-9 shows that his designation was that of a Peon. A separate salary bill, from which it will appear that substantive post of one Prabir Kumar Das was that of Cycle Peon was also produced. It will further appear

from this salary bill that in addition to substantive pay, a Cycle Peon was allowed Rs. 32.80 p. as Cycle Allowance.

6. The principal point for consideration in this reference is whether after his appointment as Peon, the concerned workman was appointed to work as Cycle Peon and he actually worked as Cycle Peon. For this purpose my attention was drawn to Ext. W-1 which is an Office Order of the Administrative Body dated 2-6-1989. The order runs as follows :

"As approved by the Deputy Chairman Sri Ram Naresh Shaw, Peon of Co-ordination Sec. will work as Cycle Peon in Central Despatch Section, B.I. with immediate effect, until further orders."

There is no dispute that this order remained effective till 1995 before his promotion to the higher post namely, Hindi Typist.

7. Mr. Chakraborty, representative of the management submitted that the order of the Administrative Body dated 2-6-1989 referred to above was only a stop-gap arrangement to remain effective for a particular period of time. According to him that order, by itself does not change the designation of the Peon to that of a Cycle Peon. His further submission was that the Cycle Peons are provided with cycles and the concerned workman was never provided with any cycle. He also submitted that the concerned workman admittedly was reimbursed by the management whatever amount he used to spend by way of bus fare or mini bus fare to do any outdoor work. According to him if he is allowed Cycle Allowance that will be in addition to the payment he already received as reimbursement of bus fare or mini bus fare, as the case may be and that under the law he shall not be entitled to get double benefit by receiving both the Cycle Allowance as well as reimbursement.

8. Mr. Banerjee, representative of the union however submitted that it is the prerogative of the management to select the categories of the Peons and in any case the categorisation of the Peons is to be made with reference to the work that they are directed to perform. It was further submitted that an ordinary Peon discharging the service of a Cycle Peon by the office order shall be entitled to Cycle Allowance as received by the Cycle Peons on the basis of the principle of 'equal pay for equal work'. It was also submitted on behalf of the union that the acceptance of reimbursement of the actual fare of conveyance used in discharging the duties of Cycle Peon cannot be a bar for getting the Cycle Allowance as admittedly the concerned workman was never provided with any cycle.

9. The concerned workman in his evidence has stated categorically that no cycle was provided by the management to the Cycle Peons. He was not cross-examined on the point. I also find from an application of the Cycle Peons, vide Ext. W-4, that the Cycle Peons were praying for an increase in Cycle Allowance as they are not provided with cycle by the employer and the payment of Cycle Allowance is made to them in lieu of supply of cycle. There is nothing on record that any cycle used to be supplied to the Cycle Peons at any point of time.

10. I have already stated the evidence of the concerned workman that no cycle is provided to the Cycle Peons went unchallenged. In the said circumstances, non-supply of cycle to the concerned workman cannot be said to be a proof in support of the contention that he was not appointed as a Cycle Peon or that the direction upon him to do the work of a Cycle Peon was in the nature of a stop-gap measure. I have already stated that there is nothing in the office order dated 2-6-1989 that it was to be effective for a short time, rather it is an admitted fact that the order continued till 1995 when he was promoted to the higher post. The concerned workman admitted that on some occasion he used to get reimbursement of bus/mini bus fare for performance of his outdoor work by using public conveyance. Such reimbursements, by themselves, cannot stand in the way of his being a Cycle Peon in the face of the specific order dated 2-6-1989 that the concerned workman will work as Cycle Peon in the Central Despatch Section. It is also not disputed that he rendered his service as a Cycle Peon. Further, even assuming for arguments sake, that he was not appointed as Cycle Peon, still then, by continuous performance of duties

as a Cycle Peon in the wake of the office order of the employer, he shall be entitled to draw the allowance of Cycle Peon on the principle of 'equal pay for equal work'.

11. It is true that the concerned workman shall not be allowed to get double benefit in the shape of Cycle Allowance and reimbursements which admittedly used to be paid by the management to him in lieu of Cycle Allowance. Since the concerned workman was appointed to do the work of a Cycle Peon as shown earlier by me, he shall be entitled to draw the Cycle Allowance from 2-6-1989, which the employer used to pay to the Cycle Peons from time to time till his promotion to the post of Hindi Typist. While granting him the said allowance, the employer shall be at liberty to deduct the amount which was paid to him during this period as reimbursements in lieu of Cycle Allowance.

12. So, upon consideration of the facts and circumstances and the evidence adduced by the parties in this case, I am to hold that the action of the Administrative Body of Calcutta Dock Labour Board in refusing to allow Cycle Allowance to Shri Ram Naresh Shaw, Cycle Peon @ Rs. 32.80 paise per month from 2-6-1989 was neither justified nor legal nor proper. The employer is directed to pay the said amount in lump sum to the concerned workman after adjusting the reimbursed amounts which he had already received.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer

Dated, Calcutta,

The 17th November, 1997.

नई दिल्ली, 1 दिसम्बर, 1997

का.आ. 3181.—ग्रीष्मोगिक विवाद अधिनियम, 1947 (1947 का 14) की घारा 17 के ग्रन्तिसरण में, केन्द्रीय सरकार मारमगांव पोर्ट ट्रस्ट के प्रबन्ध तत्त्व के संबद्ध नियोजकों और उनके कर्मकारों के बीच, ग्रन्तिसरण में निर्दिष्ट ग्रीष्मोगिक विवाद में केन्द्रीय सरकार ग्रीष्मोगिक अधिकरण, नं. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-11-97 को प्राप्त हुआ था।

[संख्या एल-36012/4/95—प्राईमार (विविध)]

मी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 1st December, 1997

S.O. 3181.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mormugao Port Trust and their workman, which was received by the Central Government on 25-11-1997.

[No. L-36012/4/95-IR(Misc)]

B. M. DAVID, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL NO. II  
MUMBAI  
PRESENT

SHRI S. B. PANSE

Presiding Officer

Reference No. CGIT-2/21 of 1996

Employers in relation to the management of  
Mormugao Port Trust

AND

Their workmen

## APPEARANCES :

For the Employer Mr. L. V. Talaulikar  
Advocate.For the Workmen : Mr. Jaiprakash Sawant  
Advocate.

MUMBAI, dated 11th November, 1997

## AWARD-PART-II

On 9-4-97 by Part-I Award I gave an opportunity to management to justify its action because I came to the conclusion that there was no domestic inquiry against the workman and if it is said that there was a domestic inquiry then it was against the Principles of Natural justice. The facts giving rise to the present reference can be summarised as follows :

2. Siva Baonkar was employed by the Mormugao Port Trust as a sea man and was attached to pilot room of the Marine Department. He resided at Paroda in Quepem and was commuting daily to M.P.T. for his duty. He was charge-sheeted on 13-7-91. The charge was unauthorised absence from the duty. He submitted his explanation that he remained absent due to his sickness and sickness of his family members and was not in position to inform due to remote location of his residence. Later on without conducting an inquiry the Deputy Conservator passed an order of removal w.e.f. 23-7-92. His appeal was rejected.

3. Now in this Award I have to give findings on issues Nos. 4 & 5. The issues and my findings thereon are as follows :—

Issues	Findings
1. Whether the action of the management in removal of Gonchar w.e.f. 23-7-92 is justified and proper?	Yes.
2. If not, what relief the workman is entitled to?	Does not survive.

## REASONS

4. The management lead evidence of Rudraji Vishnu Gude, the Establishment Officer of Marine Department of Mormugao Port Trust at Exhibit-50(A) & 50(B). As against this the workman filed a prushis Exhibit-55 contending that he does not intend to lead oral evidence. The parties relied upon the documents produced on the record.

5. Rudraji Gude |Exhibit-50(A) & 50(B) affirmed that Shiva Goancar the delinquent was working as a sea man from 21-5-86. Since his service tenure with the Marine Department his attendance was very irregular and right from his joining of Marine Department it was found that he was indulging in habitual absence without prior intimation/sanction of leave. The department was constrained to issue several memos and verbal warnings in that respect. The workman used to give verbal apologies and written records for his admitted unauthorised absence. Apart from such verbal and written apologies he had also given a written undertaking dated 10-11-89 and 2-8-90. There was no improvement in the conduct of the workman in the matter of attendance. It is therefore the management was constrained to issue to the workman the Memorandum dated 24-4-91 and 27-5-91 on which dates it was served on the workman. The workman did not file his written submission. The chargesheet dated 8/13-7-91 alongwith the annexures of articles of charges and list of Memorandum regarding habitual absence and the statement of absence cum leave regulations from September 1986 to January 1991 was given to the workman. On 1-8-91 the workman gave his explanation. The disciplinary authority found the explanation-cum-reply of the workman unsatisfactory and finally ordered that he is to be removed from service from 22-8-91 which shall not be his disqualification for further employ-

ment. The appeal which was filed by the workman was allowed and he was reinstated in service w.c.f. 5-9-91.

6. The disciplinary authority than issued a Memorandum dated 14-2-91 (Exhibit-22) directing the workman to submit his written statement of defence failing which necessary order will be issued to hold inquiry as required by the provisions of MPE(CCA) Regulations 1964. R. Doshi (Exhibit-24) have been appointed as the inquiry officer.

7. Gude affirmed that out of the total unauthorised absence of the workman of about 1,112 days during the period of service from September, 1986 to June, 1991. The said absence stand appropriate under the leaves regulations as 56 days Earned Leave, 26 days half pay leave, ten days commuted leave, 420 days Extra Ordinary Leave without pay on production of medical certificate by the workman and 600 days E.O.L. without medical certificate. He affirmed that the said short and prolonged and unauthorised extended period of absence were without advance intimation to the authority. He affirmed that the entire unauthorised absence of the workman was patently wilful and without any just and reasonable cause. He affirmed that his absence increased progressively. During the Calendar Year 1987-88 the workman absence adjusted as E.O.L. was for 171 days and 188 days respectively. It was 178 days each in the year 1989-90. During the period of four months from March to June 1991 the workman again remained unauthorisedly absent for 96 days.

8. Pundraji affirmed that the workman unauthorised prolonged absence period of 142 days from 25-5-88 to 5-10-88; 90 days from 25-2-89 to 25-5-89, 82 days from 23-6-1989 to 12-9-89 and 189 days from 6-8-90 to 10-12-91 despite receipt of acknowledgment of series of memos in respect of such unauthorised absentism which consequently was required to be appropriated as E.O.L. It is a glaring instance of wilful act of misbehaviour and patent misconduct on the part of the workman. In the cross-examination the witness states that the workman had given explanation regarding his absentism from time to time. But from the affidavit of the witnesses it appears that the explanation is not pertaining to all absentism. He admits that he does not know whether difficulties of the workers were beyond control to

attend duties. It is rightly argued on behalf of the management that under such circumstances it was the duty of the workman to enter into the witness box and depose and give in detail that the absentism was due to the reasons beyond his control but the workman did not enter the witness box.

9. It is argued on behalf of the management that looking to the nature of the work which the workman carries out his absentism affected the normal working. I find substance in it. Looking to the absentism of the workman and his approach of giving explanation later on clearly speaks regarding his conduct. It appears that he is not ready to follow the regulations while doing the job. From the memorandum and warnings which were issued to him and the undertakings given by him, it clearly speaks that he admits his faults but continues to do so. He must be thinking that nothing could take place even if he continues to do so. I find that there is no justification in it. It is not the single absentism where the management had decided to take action against him. But there are series of absentism in different months and years. In other words it has to be said that he is habitual to remain absent. I therefore find that the action taken by the management is perfectly legal and justified.

10. The management had produced different documents alongwith Exhibit-13 to 46. They relate to the inquiry and different memos and the replies of the workman which I have referred to above. Mr. Sawant, the Learned Advocate for the workman placed reliance on ;

- (i) Union's letter dated 2-2-95 (C-8) Ex-44.
- (ii) The workman's letter dated 25-9-92 (C-14)-Ex. 45.
- (iii) Enquiry proceedings (C-21 to C-23) Ex. 33.
- (iv) The workman's letter dated 16-3-92 (C-31)-Ex. 26.
- (v) The workman's letter dated 3-3-1992 (C-34) Ex. 23.
- (vi) The workman's letter dated 14-11-91 (C-40) Ex. 19.
- (vii) The workman's letter dated 2-9-1991 (C-42) Ex. 17.
- (viii) The workman's letter dated 1-8-1991 (C-45) Ex. 13.
- (ix) The workman's letter dated 4-2-1991 (C-51) Ex. 14.

After going through these documents which are produced by the management I do not find that the workman had proved his absentism which was beyond his control. I record by findings on the issues accordingly and pass the following order :—

### ORDER

The action of the management of the Chairman, and the Dy. Conservator of Marine Department, Mormugao Port Trust Vascodagama in removing from services of Shri Shiva D. Goancer, Ex-Seaman. Marine Department MPT, Goa w.e.f. 23rd July, 1992 in justified and proper.

S. B. PANSE, Presiding Officer

नई दिल्ली, 26 नवम्बर, 1997

का.प्रा. 3182.—श्रीधर्मिक विवाद श्राधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ज्वाइंट आयरेंटर इंडियन काउन्सिल आॉफ एप्रीकलचरल रिसर्च कॉम्लेक्शन, ओल्ड गोवा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट श्रीधर्मिक विवाद में केन्द्रीय सरकार श्रीधर्मिक श्राधिकरण, पणजी (गोवा) के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-11-97 को प्राप्त हुआ था।

[सं. एल-42011/1/94 आई आर (डी.यू.)]  
के.वी.बी. उण्णी, डैस्क अधिकारी

New Delhi, the 26th November, 1997

S.O. 3182.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Panaji (Goa) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Jt. Dir. Indian Council of Agricultural Research Complex, Old Goa, and their workmen, which was received by the Central Government on 26-11-97.

[No. L-42011/1/94-JR(DU)]  
K. V. B. UNNY, Desk Officer

### ANNEXURE

#### IN THE INDUSTRIAL TRIBUNAL GOVERNMENT OF GOA, AT PANAJI

(Before Shri Ajit J. Agni, Hon'ble Presiding Officer)

Ref. No. IT/10/95

Shri Devads Gadekar and 2 others,  
Rep. By the President,

Goa, Trade & Commercial Workers Union,  
Velho Building, 2nd Floor,  
Panaji Goa. . . . . Workmen/Party I

V/s.

The Joint Director,  
India Council of Agricultural  
Research Complex,  
Ela Farm,  
Old Goa. . . . . Employer/Party II  
Workmen/Party I represented by Adv. Shri Raju  
Mangeshkar.

Employer/Party II represented by Adv. Shri  
S. V. Kamat.

Dated : 10-11-1997

### AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government by order No. L-42011/1/94-JR(DU) dated 20-1-95 referred the following dispute for adjudication to this Tribunal.

“Whether the action of the Jt. Director, Indian Council of Agricultural Research Complex, Ela Goa, Old Goa 403402 in stopping from services Shri Devads Gadekar, Gurudas Naik and Sharanappa Goni, Ex-casual mazdoor of Ela Farm, ICAR, Old Goa, w.e.f. June 1988 and not taking them in regular employment as Mazdoor alongwith others is justified ? If not, to what relief the said workmen are entitled to ?”

2. On receipt of the reference, a case was registered under No. IT/10/95 and registered AD notices were issued to the parties. In pursuance to the said notice, the parties put in their appearance. The workmen/Party I (For short 'Workmen') filed their Statement of Claim which is at Exh. 3. The facts of the case in brief as pleaded by the workmen are that they were employed by the Employer/Party II (For short "Employer") as Labourers since 1983. That the Employer terminated the services of the workmen in the middle of the year 1987 but retained the other workmen who had joined the services of the employer after the workmen had joined the services of the employer. That the workmen through the Union sent a notice to the employer requesting to reinstate the workmen, but the employer failed to reinstate the workmen and therefore, an industrial dispute was raised before the Assistant Labour Commissioner (Central), Government of India, Vasco-da-Gama, vide letter dated 26-6-1991. Thereafter, a fresh industrial dispute regarding the refusal of employment to the workmen was raised by letter dated 17-9-1992 and the Senior Administrative Officer of the Employer by letter dated 17-1-88 and 18-7-88 informed the Union that they would consider the recruitment of the workmen as and when vacancy arose. That the employer bypassed the workmen and recruited new workmen and regularised their services. That the employer dis-allowed the workmen from reporting from June 1988 and employed new workmen so that these workmen would not complete 240 days of continuous service and thereby deprive them from the class IV vacancies in the Institute. That the employer sent a letter dated 5-1-93 to the Asst. Labour Commissioner (Central) Vasco, stating that they were not in a position to consider the tender nature of the workmen unless they were sponsored by the local Employment Exchange and they fulfilled the required existing rules which were in force. That the employer recruited other workmen on daily wages in the year 1985 after their names were sponsored by the Employment Exchange and thereafter, kept their names on the muster roll and regularised the services of all the workmen who were on the muster roll in the year 1989 but discontinued the services of the present workmen. That, pursuant to the industrial dispute raised by the workmen, the Asst. Labour Commissioner called the parties for discussions and since no settlement was arrived at the conciliation proceedings ended in a failure. The workmen contended that the action of the employer in refusing employment to them and recruiting new workmen is illegal and unjustified. The workmen claimed that they were entitled to be reinstated in regular employment alongwith other workmen.

3. The employer filed Written Statement which is at Exh. 4. The employer denied that the workmen were employed as Casual Labourers since the year 1983 or that their services were terminated in the middle of the year 1987. The employer stated that the workmen were engaged purely on casual basis for a period not exceeding 45 days at a time for seasonal agricultural operations on their farm at Ela, Old Goa during the year 1985 to 1988. The employer stated that the workman Shri Gurudas Naik was engaged as a casual labourer on 9-5-85, Shri Devads Gadekar was engaged as a casual labourer on 29-4-85 and Shri Sharanappa Goni was engaged as a casual labourer on 10-7-86. The employer stated that the workman Shri

Devidas Gadekar worked last on 16-6-88, Shri Gurudas Naik worked last on 25-5-88 and Shri Sharanappa Goni worked last on 23-5-88. The employer stated that after the completion of seasonal work, the said workmen automatically ceased to be in employment and therefore, there was no question of they being retrenched and consequently, there was no question of reinstatement. The employer stated that they employed only two persons in the year 1991 and their recruitment were made from the reserved categories; namely, the schedule caste category and the ex-servicemen category as per the roster maintained under the existing rules. The employer stated that the said two persons held the minimum educational qualification as prescribed from their respective post and they were selected from among the candidates sponsored by the Employment Exchange of Government of Goa. The employer denied that they have bypassed any rules and stated that after June 1988 they have not employed any workmen from the general category. The employer denied that they did not allow the said workmen from reporting to work from June 1988 or that they employed new workmen so that the said workmen would not complete 240 days of continuous work so as to deprive them from class IV vacancies in the Institute. The employer denied that they engaged any casual labourers in the year 1985 and hence there was no question of regularising the services of any casual labourers in the year 1989. The employer denied that the workmen are entitled to any reliefs as claimed by them in the statement of claim and stated that the claim made by the workmen are liable to be rejected, being false, frivolous, vexatious and intenable at law. The workmen thereafter, filed Rejoinder which is at Exb. 5.

4. On the pleadings of the parties, following issues were framed at Exb. 6.

- \*1. Whether the Party I proves that the workmen named in the reference were employed by Party II as labourers from June 1983 ?
2. Whether the Party I proves that the action of the Party II in stopping from services the workmen named in the reference w.e.f. June 1988 is unjustified ?
3. Whether the Party I proves that the action of the Party II in not taking the workmen named in the reference in regular employment as Mazdoor is unjustified ?
4. Whether the Party II proves that the workmen named in the reference were employed purely on casual basis for a period not exceeding 45 days at a time for seasonal agricultural operations on the farm at Ela, Old Goa, during the period 1985 to 1988 ?
5. Whether the workmen are entitled to any relief ?
6. What Award ?
5. My findings on the issues are as follows :—

Issue No. 1.—In the negative.

Issue No. 2.—In the negative.

Issue No. 3.—In the negative.

Issue No. 4.—In the affirmative.

Issue No. 5.—In the negative.

Issue No. 6.—As per Order below.

#### REASONS

6. Issue No. 1, 2 & 3.—The reference of the dispute was made by the Government at the instance of the workmen because they challenged the action of the employer in stopping them from service w.e.f. June 1988 and not taking them in regular employment as Mazdoor alongwith others. According to the workmen, this act on the part of the employer is not justified. The workmen filed statement of claim raising various contentions, which the employer denied in the written statement. The Bombay High Court, Panaji bench, in the case of V.N.S. Engineering Services V/s. Industrial Tribunal, Goa, Daman and Diu and another reported in FJR Vol. 71 at page 393 has held that the general rule is that he who approaches a court for a relief should prove his case and he who does not lead

evidence must fail and that there is nothing in the Industrial Disputes Act 1947 which indicates a departure from this general rule. The Bombay High Court has further held that the party who raises the industrial dispute is bound to prove the contention raised by him and an Industrial Tribunal or Labour Court would be erring in placing the burden of proof on the opposite party to the dispute. Similar principles have been laid down by the Allahabad High Court in the case of V. K. Raj Industries V/s. Labour Court (I) and others reported in 1981 (29) FLR 194. The Allahabad High Court has held that the proceedings before the Industrial Court are judicial in nature even though the Indian Evidence Act is not applicable to the proceedings before the Industrial Court. The High Court has further held that it is well settled that if a party challenges the validity of an order and if no evidence is produced, the party invoking the jurisdiction must fail. The High Court has further held that if the workman fails to produce evidence, the dispute referred by the Government cannot be answered in his favour and he will not be entitled to any relief. In the present case, it is the workman who has raised the contention that they were employed as labourers by the employer from June 1983 and their services were stopped w.e.f. June 1988. The workmen have also raised the contention that they ought to have been taken in regular employment by the employer as mazdoors alongwith others. The employer in the written statement denied the above contentions and had stated that the services of the workmen were not terminated but they ceased to be in employment automatically on completion of the seasonal work allotted to them and hence the above issues were framed, casting the burden on the workmen to prove the said contentions and had stated that the services of the workmen to lead evidence in support of their contentions. However, inspite of the opportunity given, they did not lead any evidence and their evidence was closed on 4-6-97. In the absence of any evidence, the issues cannot be answered in favour of the workmen. This being the case, I hold that the workmen have failed to prove that they were employed as labourers from June 1983 or that their services were stopped by the employer w.e.f. June 1988 or that the action of the employer in stopping their services is unjustified. I further hold that the workmen have failed to prove that the action of the employer in not taking them in regular employment as Mazdoors is unjustified. In the circumstances, I answer the issue nos. 1, 2 and 3 in the negative.

7. Issue No. 4 :—In the present case, only the employer has led evidence and as I have mentioned earlier, the workmen did not lead any evidence in the matter. In the written statement, the employer took the defence that the workmen were employed purely on casual basis for a period not exceeding 45 days at a time for seasonal agricultural operations on the farm at Ela, Old Goa and that they were employed during the period from 1985 to 1988, and therefore, this issue was framed casting the burden on the employer to prove the above contentions. In support of its contentions, the employer has examined its administrative Officer Shri S. Sadashiv. In his deposition, he has stated that the workmen were employed purely on casual basis for carrying out seasonal work and that workman Shri Devidas Gadekar was employed from 29-4-85, workman Shri Gurudas Naik from 9-5-85 and workman Shri Sharanappa Goni from 10-7-86. He has further stated that workman Shri Gadekar worked for 125.5 days in the year 1985, for 174 days in the year 1986, for 117 days in the year 1987 and for 81 $\frac{1}{2}$  days in the year 1988; that the workman Shri Gurudas Naik worked for 134 days in the year 1985, for 1704 days in the year 1986, for 1114 days in the year 1987 and for 88 days in the year 1988; and that the workman Shri Sharanappa Goni worked for 41 days in the year 1986, for 91 $\frac{1}{2}$  days in the year 1987 and for 99 days in the year 1988. The witness Shri S. Sadashiv produced muster roll for the period from 6-4-85, to 4-6-88 at Exb. E-1 colly. I have gone through the said muster roll Exb. E-1 colly. The said document supports the contention of the employer as regards the employment of the workmen. The witness Shri S. Sadashiv has further stated that from June 1988, the employer did not employ any casual labourers but employed two persons from the reserved category namely a peon belonging to schedule caste and a watchman belonging to ex-servicemen category. In support of his this contention, the witness produced the documents namely the letter dated 24-10-90 (Exb. E-2) written by the employer requesting the Employment Ex-

change to sponsor the names of the candidates for filling up the post of the peon; list of the candidates (Exb. E-3) furnished by the Employment Exchange; the letter dated 15-4-91 from the Employment Exchange (Exb. E-4) correcting the name of the candidate at Sr. No. 3 of the list; the letter dated 27-9-90 (Exb. E-5) requesting the Secretary, Ex-servicemen Cell, Employment Exchange to sponsor the names of the candidates for the post of watchman and the list of the candidates (Exb. E-6) furnished by the Secretary of the Ex-Servicemen Cell. Therefore, the above evidence which has been produced by the employer shows that after June 1988, the employer employed only two persons from the reserved category. The deposition of the witness has gone unchallenged as on the date when the deposition was recorded, no one was present on behalf of the workmen. There is no evidence on record contrary to the evidence produced by the employer. I therefore, hold that the employer has succeeded in proving that the workmen S/Shri Devidas Gadekar, Gurudas Naik and Sharanappa Goni were employed purely on casual basis for seasonal agricultural operations on the farm at Ela for a period not exceeding 45 days at a time during the period 1985 to 1988. I further hold that the services of the workmen were not terminated or stopped but automatically they ceased to be in employment on completion of the seasonal work allotted to them in the year 1988. In the circumstances, I answer the issue No. 4 in the affirmative.

8. Issue No. 5 :—It is the workmen who raised the contentions that they were employed as labourers by the employer from June 1983 and that the action of the employer in stopping their services with effect from June 1988 and not taking them in regular employment as Mazdoor alongwith others is not justified. While deciding the issue No. 1, 2 and 3, I have held that the workmen have failed to prove the above contentions and consequently the said issues have been answered in the negative. This being the case, no relief can be granted to the workmen. Therefore, hold that the workmen are not entitled to any relief and hence answer the issue No. 5 in the negative.

In the circumstances, I pass the following order :—

#### ORDER

It is hereby held that the Jt. Director, Indian Council of Agricultural Research Complex, Ela Goa, Old Goa, 403402, did not stop the services of the workmen Shri Devidas Gadekar, Shri Gurudas Naik and Shri Sharanappa Goni, Goa, w.e.f. June 1988 but the said workmen ceased to be in employment of the Indian Council of Agricultural Research, Research Complex, Ela Goa, Old Goa, on completion of the seasonal work allotted to them in the year 1988. I further hold that the workmen Shri Devidas Gadekar, Shri Gurudas Naik and Shri Sharanappa Goni are not entitled to any relief.

No order as to costs.

Inform the Government accordingly.

AJIT L. AGNI, Presiding Officer

नई दिल्ली, 28 नवम्बर, 1997

का. ग्रा. 3183.—केन्द्रीय सरकार ने यह समाधान ही जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उपखंड (VI) के उपबंधों के अनुसरण में भारत सरकार के थम मंत्रालय की अधिकृतना मंदिर का. ग्रा. 1561 दिनांक 28 मई, 1997 द्वारा भारतीय खाद्य निगम सेवा को उक्त अधिनियम के प्रयोजनों के लिए 28 मई, 1997 से छ. मास की कालावधि के लिए लोक उपयोगी सेवा प्रोप्रित करनी है।

और केन्द्रीय सरकार की यह है कि लोकहित में उक्त कालावधि को छ. मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है।

प्रा. 3183.—केन्द्रीय सरकार अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (d) के उपखंड (VI) के प्रत्येक द्वारा प्रदत्त अक्षियों का प्रयोग करने हुए, केन्द्रीय सरकार उक्त अधिनियम के प्रयोजनों के लिए नकाल प्राप्ति में छ. मास की कालावधि के लिए लोक उपयोगी सेवा प्रोप्रित करती है।

[मं. एम. 11017/5/91-परिवार (निधायी)]

हरी लंबे गुप्ता, अवर सचिव

New Delhi, the 28th November, 1997

S.O. 3183.—Whereas the Central Government having been satisfied that the public interest so required had in pursuance of the provision of sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 1561 dated 28th May, 1997, the services in the Food Corporation of India to be a public utility service for the purposes of the said Act, for a period of six months from the 28th May, 1997.

And, whereas the Central Government is of the opinion that the public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the provision of sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 28th November, 1997.

[No. S-11017 5/91-IR(PL)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 3 दिसम्बर, 1997

का. ग्रा. 3184.—केन्द्रीय सरकार ने यह समाधान ही जाने पर कि लोकहित में ऐसा करना अपेक्षित है कि इंडिया गवर्नमेंट निष्ठा की, और औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुभूति में निर्दिष्ट है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवा प्रोप्रित किया जाना चाहिए।

प्रा. 3184.—केन्द्रीय सरकार अधिनियम, 1947 की धारा 2 के खण्ड (d) के उपखंड (6) द्वारा प्रदत्त अक्षियों का प्रयोग करने हुए, केन्द्रीय सरकार उक्त अधिनियम के प्रयोजनों के लिए नकाल प्राप्ति में छ. मास की कालावधि के लिए लोक उपयोगी सेवा प्रोप्रित करती है।

[मं. एम. 11017/1/94-प्राईमार (पी.एल.)]

ए.मी. गुप्ता, अवर सचिव

New Delhi, the 3rd December, 1997

S.O. 3184.—Whereas the Central Government is satisfied that the public interest requires that the India Government Mint, Noida which is covered by item 11 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/1/94-IR(PL)]

H. C. GUPTA, Under Secy.

नई दिल्ली, 3 दिसम्बर, 1997

New Delhi, the 3rd December, 1997

का.मा. 3185.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवं दिल्ली 1 जनवरी, 1998 को उम नारीव के रूप में नियन्त करती है, जिसको उक्त अधिनियम के अध्याय-4 (धारा-44 और 45 के सिवाएं जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय-5 और 6 [धारा-76] की उपधारा (1) और धारा-77, 78, 79 और 81 के सिवाएं जो पहले ही प्राप्त की जा चुकी हैं। के उपबन्ध हरियाणा राज्य के निम्नलिखित धेरों में प्रवृत्त होंगे, अर्थात् :—

क्रमांक	राजस्व धारों का नाम	हस्ताक्षर संख्या	जिले का नाम
1.	कावलवारा	10	पानीपत
2.	बाग शेर प्रकाश	13	पानीपत
3.	उथा खेड़ी	19	पानीपत
4.	गढ़ी वारा	30	पानीपत
5.	निजामपुर	03	पानीपत
6.	भैमवाल	07	पानीपत
7.	खेड़ी नांगल	31	पानीपत
8.	सराय बछड़ा	04	पानीपत

[संख्या : एस-38013/24/97-एस.एस-II]  
जे.पी. भूवना, अवर सचिव

S.O. 3185.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 1998 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Haryana namely :—

S. No.	Name of Revenue Village	Had Bast No.	District
1.	Kabal Bagh	10	Panipat
2.	Bagh Sher Asgan	13	Panipat
3.	Ugra Kheri	19	Panipat
4.	Gadi Wara	30	Panipat
5.	Nizam pur	03	Panipat
6.	Bhainswal	07	Panipat
7.	Kheri Nangal	31	Panipat
8.	Sarai Bachhra	04	Panipat

[No. S-38013/24/97-SS.I]  
J. P. SHUKLA, Under Secy